

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.694 OF 2016

Nitin M. Shah and Anr. Applicants

Vs.

The State of Maharashtra Respondent
(Mulund Police Station)

Mr. Agandsurve i/by Rajesh V. Sipahimalani, Advocate for the applicants.

Smt. J.S. Lohokare, APP for the State.

Coram : N.W. SAMBRE, J.

Date : 5th December, 2016

P.C.

1 While seeking pre-arrest bail in Crime No. 411 of 2015, registered with Mulund Police Station, for the offences punishable under Sections 406, 420 read with 34 Indian Penal Code, the learned counsel for the applicants submits that the applicants are not direct beneficiaries in the transaction, which has given rise to the registration of the offence. According to him, the applicants' custodial interrogation is not warranted, as the applicants till date, on an ad-interim protection, co-operated with the investigation. Apart from above, according to

him, there is no direct material to connect the applicants to the crime in question.

2 The learned APP opposed the application. What could be gathered from the record is the applicants, who are real estate agent promised the complainant of providing flats in a redevelopment scheme, which was meant for the project affected persons. The applicants executed a receipt of Rs.27.50 Lacs in favour of the complainant. However, the transaction in question (the object of which is completely illegal) is not taken to it's logical end.

3 There is material to infer that the applicants are direct beneficiaries. The contention of the applicants, that his complaint prior to any point of time was not attended to, will be hardly of any consequence, when there is an acknowledgment by the applicants to the complainant acknowledging the consideration. No case is made out. The application fails and hence Rejected.

(N.W. SAMBRE, J.)