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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.813 OF 2016
WITH
CRIMINAL APPLICATION NO.457 OF 2016
IN
ANTICIPATORY BAIL APPLICATION NO.813 OF 2016

Munir Maulana Sattar Khan	 Applicant
V/s.	
The State of Maharashtra	 Respondent
and	
Mehboob Abdul Gafar Shaikh	.. Intervener.

Mr. Momin Mohd. Farooque, for the Applicant.
Mrs. Veera Shinde, APP for the Respondent State.
Mr. Sachin B. Thorat, for intervener.

CORAM : A. M. BADAR, J.

DATE : 30th JUNE, 2016.

P.C. :

1. Applicant/accused in crime No.145 of 2016, for the offence punishable under Sections 420 and 406 of the Indian Penal Code, registered with Wanwadi Police Station, District: Pune, by this application is praying for pre-arrest bail.
2. Heard the learned counsel for applicant. He submitted that story put forth in the F.I.R. is not consistent with version of the informant

as seen from reply to the bail application before the learned Additional Sessions Judge, Pune. The learned counsel submitted that there was no deception at the inception and as such no offence under Section 420 and 406 of IPC is made out. Therefore, according to learned counsel, application needs to be allowed.

3. I also heard the learned APP as well as learned counsel for the informant. Perused the F.I.R. It is seen that at the instance of present applicant, informant had booked a flat in Mayur Geminus. The averments in the F.I.R. goes to show that cash amount of Rs.13 lacs was entrusted to the present applicant by informant Mehboob Abdul Gafar Shaikh. However, ultimately deal could not be finalized and as such the builder is reported to have refunded amount of Rs.8,50,000/-, received towards booking of flat through the applicant. Out of total amount of Rs.13 lacs entrusted by the informant to the present applicant, present applicant had refunded an amount of Rs.6,25,000/- , however, present applicant has not refunded an amount of Rs.6,75,000/- to the informant.

4. From the perusal of F.I.R., it is revealed that there was entrustment of the amount to the present applicant which is not refunded by the applicant to the informant after the deal of booking of the flat is not finalized. No case for bail is made out and therefore, application is rejected.

5. In view of disposal of this application, pending Applications, if any, are disposed of accordingly.

[A. M. BADAR, J.]