FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1364 OF 2016

Office Notes, Office Memorandam of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Ashok Yadav for the Applicant.
Mr. Deepak Thakare, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 18th August, 2016

P.C.

This is an application for pre-arrest bail under Section 438 of the Cr.P.C.

The applicant is apprehending arrest in CR No.322/2016 dated 12.7.2016 registered with Goregaon Police Station, Mumbai for the offence under Section 420 read with 34 of the Indian Penal Code.

2) The first information report dated 12.7.2016 is lodged by Smt. Ashwini Kale. It is stated in the said report that the first informant got acquainted with the applicant due to advertisement on Zee Marathi Channel. The applicant thereafter asked the informant whether her son Yadnesh Kale would like to act in Marathi Cinema as child artist. The applicant was facing financial difficulties for producing the said film and therefore on 17.8.2015 the applicant entered into an agreement with the informant for partnership of 25% in the profit of the said film provided the informant pays Rs.25.00 lacs to him. The informant thereafter paid Rs.25.00 lacs to

the applicant. It is stated that, despite the substantial lapse of period neither the said Marathi cinema was released nor principal amount paid by the informant was returned to her. The applicant thereafter issued two cheques of Rs.5.00 lacs each and a cheque of Rs.50,000/- in favour of the informant. The said cheques were drawn in favour of the informant by different persons. The said cheques were dishonoured on presentation. It was thereafter revealed to the informant that the applicant has cheated the various persons under the pretext of giving work in the cinema. In the premise, the first information report is lodged.

3) The learned counsel for the applicant submitted that there was no intention on the part of the applicant to cheat the informant. His client is ready and willing to pay an amount of Rs.25.00 lacs along with interest to the informant but as the cinema could not be produced and released till date his client is unable to pay the amount. He further submitted that the applicant is a reputed person and he may be granted pre- arrest bail.

4) A bare perusal of the first information report would reveal that the applicant has initially promised the complainant to be give work to her son as a child artist in Marathi cinema and subsequently on the pretext that the applicant will give 25% profit in the partnership firm, has made the complainant to pay the said amount of Rs.25.00 lacs to the applicant. It is to be noted here that the cheques issued by the applicant in favour of the first informant are dishonoured which shows the intention of the applicant since inception was not bonafide. The allegations made against the applicant are serious in nature. The complainant has been duped for

the huge amount.

5) After taking into consideration the serious allegations against the applicant, the custodial interrogation of the applicant is necessary as the documents involved in the crime are to be seized/recovered by the police and other related aspects of the investigation are to be carried out and the same is not possible without the custodial interrogation of the applicant. In view of the same, I find that this is not a case to grant per-arrest bail to the applicant. Application is accordingly, rejected.

(A.S. GADKARI, J.)