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FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1663 of 2015

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|------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr Pawan Mali a/with Runal V. Watulkar, for the applicant.  
Ms S.D.Shinde, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.  
DATE : 15<sup>th</sup> January, 2016

P.C.

1. The applicant is apprehending arrest in CR No. 162 of 2015 registered with Kherwadi Police Station dated 27.6.2015 under section 420 read with section 34 of IPC.
2. The first informant Prakash Yadav has lodged the said report stating that he was in search of house in Mumbai. He, therefore, had requested his friend Ravindra Kamble, who then introduced him with one person by name Banti. The said person by name Banti, thereafter, introduced the complainant with the present applicant as a person working in the office of MHADA. The complainant, thereafter, met the applicant when the applicant informed the complainant that she is having four rooms from the Government quota and the complainant will get one out of the same. The complainant, thereafter, on 13.12.2011 paid Rs. 14,00,000/- in cash to the applicant in presence of Mr Ravindra Kamble, Mr Banti Ramakant and Mr Vinit. The applicant, thereafter, immediately gave a duplicate

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key of the room and informed the complainant that her senior would give the receipt of the payment. The complainant was thereafter shown a room located in Titanic building, Maharashtra Nagar and also shown the papers of agreement. After seeing those papers the complainant realised that the said room stands in the name of other person and, therefore, the complainant refused to accept the possession of said room. The complainant also demanded the amount of Rs.14,00,000/- back from the applicant. The applicant initially dodged the repayment and subsequently issued eight cheques in favour of the complainant. The first cheque was dated 10/9/2012 and last was dated 29/9/2012. The complainant has categorically stated that after deposit of those cheques, same were dishonoured. The applicant thereafter assured the complainant of payment but kept on dodging the same for considerable time. The complainant, thereafter, realized that the applicant has committed the act of cheating as contemplated under section 420 of IPC and in the premise he lodged the said FIR dated 27.6.2015.

3. The learned counsel for the applicant submitted that as a matter of fact there was no monetary transaction between the applicant and the complainant. He also submitted that as a matter of fact, the applicant has made a payment of Rs. 2,60,000/- and same fact can be discerned from the bank statement annexed to the application. He submitted that the applicant has been falsely implicated in the said crime and, therefore, the applicant may be protected by way of pre-arrest

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bail.

4. A bare perusal of the FIR discloses that the applicant in a well designed manner committed the act of cheating as contemplated under section 420 of the IPC. The applicant was not having any reason to give cheques amounting more than Rs. 14,00,000/- to the complainant. It prima facie appears that the applicant by pretending that she is working with MHADA has committed fraud upon the complainant. The learned APP has produced the report dated 27.11.2015 submitted by the Investigating Officer wherein it is categorically stated that the applicant is also involved in two other crimes registered earlier to this. The said crime numbers are 248/2012 registered with Pant Nagar Police station under sections 420, 465, 467, 468, 471 read with section 34 of IPC and 485/2014 registered with Khar Police Station under section 420, 406, 465, 467, 468, 471 read with section 34 of IPC. The learned APP further submitted that when the applicant was on bail in the earlier two crimes she has committed the present crime. This shows the propensity of the applicant in commission of the crimes of the similar nature.
5. After taking into consideration the serious allegations against the applicant coupled with the fact that the applicant has antecedents at her discredit, I am not inclined to grant the discretionary relief of pre-arrest bail in favour of the applicant. The application is accordingly dismissed.

(A.S.GADKARI, J.)