IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2006 OF 2016

Nazar Mohd. Tufail Mohd.
Qureshi and anr. .....Applicants

V/s.

State of Maharashtra .....Respondent

* * * * * *

Mr. A.A. Desai, Advocate for the applicant.
Mr. N.B. Patil, APP for respondent, State.
PSI, Rajendra Pawar, Vakola Police Station present.

CORAM :- N.W. SAMBRE, J

DATED :- 29TH NOVEMBER, 2016.

P.C. :-

1). The applicant is seeking pre-arrest bail in Crime No. 396 of 2016 for offences punishable under Sections 420, 406 read with Section 34 Indian Penal Code for an incident from January, 2014 till date.

2). It is the case of the complainant that, upon a promise made by the present applicant of high returns, they have parted with an amount of Rs.2,42,00,000/- against which cheque for an amount of Rs.3,81,20,000/- was given in favour of the complainant.

It is then claimed that the present applicant has not honoured his commitment and duped the complainant for the amount, so also, has not handed over the property.

3). While trying to make out a case for bail, it is brought to my notice that, the complainant has issued a notice dated December, 2015 to the accommodates/tenants of the complainant calling upon them to enter into a leave and license agreement. It is also brought to my notice that the present applicants and the complainants, though had some commercial transaction, however, the same was being given a colour of criminal litigation. It is further claimed that the proceedings in questions are used for the purpose of recovery of amount in absence of any criminal motive in the past of the applicant. According to him, the issue is contractual in nature. The custody is not warranted.

4). The learned APP opposed the application on the ground that, issuance of cheque of Rs.3,81,20,000/-, *prima-facie*, reflects about the transaction between the applicant and the complainant. However, according to him, the said transaction during the course of investigation, was noticed to have been for the purpose of transfer of immovable property which is not honoured.

5). From the record, what could be gathered is, the applicant has parted with a cheque for an amount of Rs.3,81,00,000/- which is claimed to have been extorted from the complainant. However, it is worth to mention here that, after the issuance of such cheque, there is hardly any steps taken to infer that it is out of the pressure tactics applied by the complainant, the applicant has parted with the said cheque and, prima-facie, intention of the applicant to cheat the complainant.

6). Apart from above, there reflects sufficient material about the financial transaction between the complainant and the applicant.

7). *Prima-facie* involvement of the applicant in an economic crime can be inferred. No case for bail is made out. Hence, the Bail Application is rejected.

(N.W. SAMBRE, J)