

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2030 OF 2016

Rajesh Chandrashekhar Dube

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

* * * * *

Mr. Ashok M. Saraogi, Advocate for the applicant.

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

CORAM :- N.W. SAMBRE, J

DATED :- 29TH NOVEMBER, 2016.

P.C. :-

1). The applicant is seeking pre-arrest bail in Crime No.48 of 2016 for offences punishable under Sections 420, 406, 120(B) for an alleged offence which took place between March 3, 2015 to February 6, 2016.

2). It is claimed by the complainant in his complaint that, he has paid an amount of Rs.59,00,000/- for purchase of an immovable property. However, the present applicant has practised fraud on him as the title of the property never stood transferred in

favour of the present complainant

3). The applicant submits that the parties thereto have negotiated and it was agreed that against the demand of RS.59,00,000/-, the applicant shall pay an amount of Rs.65,00,000/- to the complainant and has accordingly placed on record, a document to that effect entered into between the parties and also receipts acknowledging the payment.

4). The learned Counsel for the applicant, during the course of hearing, handed over demand drafts worth Rs.30,00,000/- drawn in favour of the wife of the complainant which are handed over to the Investigating Officer in this Court.

5). In this background, in my opinion, the custodial interrogation is not warranted particularly for the recovery of the amount in question as the said amount is already stood to have been recovered.

6). In view thereof, in the event of arrest, the applicant be released on bail on P.R. Bond of Rs.1,00,000/- (Rs. One Lakhs only) with one or two sureties in the like amount.

7). The applicant to attend the Investigating Officer on 7th and 9th December, 2016 between 10 to 12 p.m. and thereafter as and when called.

8). The applicant not to tamper the evidence and/or influence the witnesses in any manner whatsoever.

9). It will be open for the Investigating Officer in case, if the

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complainant or his wife who has booked the property, to apply for release of the said demand-drafts in their favour, to release the same.

(N.W. SAMBRE, J)