

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2032 OF 2016

Hitesh Dayaldas Dhankani	...	Applicant
V/s.		
1 The State of Maharashtra	...	Respondents
2 Chetla Police Station, Calcutta, West Bengal in respect of their C.R.No.128/2016		

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Mr. S.G.Rajput along with Ms. Rupali Rajpur, Advocates for the Applicant.

Ms. R.M.Gadhvi, APP for the Respondent/State.

Mr. Nitin B. Vijaykar, PI attached to Antop Hill Police Station present.

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CORAM : N.W.SAMBRE, J.

DATED : 2nd December, 2016.

P.C.

1 The Applicant is seeking anticipatory transit bail in Crime No.128 of 2016 registered with non-applicant no.2 police station on June 26, 2016 pursuant to a complaint filed by one Niraj Kajaria for the offence punishable under Sections 420, 456, 506 read with Section 34 of the IPC.

2 The substance as could be gathered from the copy of the FIR Report 179880 with the Chetla Road Police Station is the complainant therein Niraj has alleged that the present applicant

induced the complainant with promise to buy shares from him for higher amount valued at Rs.2,10,30,000/- against an advance of Rs.18,30,000/-. However, subsequent thereto failed to deposit the said amount and also failed to complete the transaction.

3 In the above background while claiming anticipatory transit bail, the learned counsel submits that at the behest of the present applicant, Crime No.102 of 2015 registered on April 4, 2015 for the offence punishable under Sections 420 and 506 of IPC with non-applicant no.1 Police Station is required to be appreciated in which it is claimed that the complainant in the crime at Chetla Road Police Station namely Niraj Kajaria has assured the present applicant that he will give 10,000 unlisted shares of Ratnakar Bank, received consideration of Rs.18,30,000/- and handed over shares of Rs.5,49,000/- and duped the present applicant with the balance amount of Rs.12,81,000/-.

4 He would also submit that the said Niraj Kajaria has also duped another person as could be apparent from Crime No.257/2015 registered on October 13, 2015 at the behest of one Dri Doradla Siva Nageshwara Rao registered with the Central Crime police station, Hyderabad. According to him, the complainant Niraj Kajaria is in habit of committing similar type of crimes.

5 Upon perusal of the contents of the FIR lodged by Niraj Kajaria against the present applicant what could be gathered is in matter of contractual nature, colour is sought to be given case of

criminal case. Prima-facie, it could be inferred that counter FIR at the behest of Niraj Kajaria against the applicant is an arm twisting effort so as to get settle FIR No.102 of 2015 registered against him at Bombay at the behest of the applicant.

6 In view thereof, applicant is granted protection for a period of eight weeks from today . In the event of arrest in between these eight weeks by the Investigating Officer from Chetla Road Police Station non-applicant herein in Crime No.128 of 2016, the applicant shall be released on cash surety of Rs.25,000/-.

7 Application stands disposed of in the above terms.

(N.W.SAMBRE, J.)