

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 25 OF 2017

Sudesh Madhukar Avhad	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Tejesh Dande i/b. Tejesh Dande & Associates, Advocate for the applicant.

Mrs. N.S. Jain, APP for the State.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **11th January, 2017.**

P.C.:

This Application is moved by the applicant-accused for pre-arrest bail, as the applicant/accused is apprehending arrest in C.R. No. 632 of 2016 registered with Hadapsar Police Station, Pune for the offences punishable under sections 420, 465, 467, 468, 471 r/w. 34 of Indian Penal Code. The complaint is lodged at the instance of one Mrs. Pushpa Narendraprasad Sharma on 21st September, 2016.

2. As per the case of the complainant, she handed over nearly Rs.21,12,000/- in respect of land dealing and development of plot in Taluka Haveli, District Pune. The applicant/accused was introduced to the complainant, who represented that he would work as a middleman between the complainant and one Defence City Developers Pvt. Ltd. in respect of plots. The applicant-accused told the complainant that for the

purpose of clearing the land dealing and obtaining NOC from the developer and for measurement and survey of the plot, approximately an amount of Rs.21 lakhs would be required. The complainant paid total amount of Rs.21,12,000/- in instalments in cash as well as by cheque during the period of July 2015 to August 2015. Thereafter she did not get the results of the work and therefore, she tried to contact the applicant-accused and his other associates Mr. Arjun Gore and Tushar Javalkar. She also contacted Colonel Raina of Defence City Developers Pvt. Ltd. in respect of land, however, he informed that the applicant/accused did not approach him at all. The complainant tried to contact the applicant/accused, however, his cell phone was switched off and not accessible. The complainant came to know that she was deceived of Rs.21,12,000/-, so she gave complaint.

3. The learned counsel for the applicant/accused has submitted that the applicant/accused has received money and willing to do the work and repay the amount. He further submitted that the complainant herself is not sure about the exact amount which was paid by her. He argued that the applicant/accused has accepted the amount received by him and has also issued cheques of Rs.9 lakhs and Rs.11 lakhs in favour of the complainant, however, the cheques were dishonoured. This shows that the the applicant has accepted the responsibility. The learned counsel argued that under such circumstances, the custodial interrogation of the

applicant/accused is of no use. Hence, he prays for pre-arrest bail.

4. Learned APP opposed the Anticipatory Bail Application and submitted that two cheques of Rs.9 lakhs and 11 lakhs which were issued by the applicant/accused were dishonoured because the signature did not match.

5. Perused the FIR. It shows that the applicant/accused did not take steps towards the work of preparing documents in respect of the land but he went on accepting the money. He represented that he had contacted Colonel Raina, however, after phone call to Raina, the complainant realized that accused had completely misguided her and told lies to her. Moreover, he issued two cheques with faulty signatures and hence they were bounced. The offence of cheating is serious. In view of this, I am not inclined to grant pre-arrest bail. Hence, Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)