

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 180 OF 2017

Mr. Ashok Badrinath Upadhayay ...	Applicant
Vs.	
The State of Maharashtra ...	Respondent

Mr. Pravin V. Gaikwad i/b. Ms. Nidhi S. Sharma, Advocate for the applicant.

Mrs. Veera Shinde, APP, for the State.

Mr. A.P. Aghav, PSI, Navghar Police Station, Mumbai, present.

CORAM: SMT. SADHANA S. JADHAV, J.

DATE : 31st January, 2017.

P.C.

This is an application under Section 438 of Cr.P.C. The applicant herein is apprehending his arrest in Crime No. 209 of 2016 registered at Navghar Police Station for the offence punishable under Sections 420, 406, 465, 467, 468, 474, 471, 506 of the Indian Penal Code.

2. The applicant happens to be the father-in-law of the complainant Manoj Kumar. On 21.10.2016, Manoj Kumar lodged a report at the police station alleging therein that he is a resident of Delhi. He had got married with the daughter of the applicant on 19.5.2005. On one occasion he had informed the applicant that he desires to invest in properties at Mumbai. Accordingly, the complainant had given money to the applicant and that the applicant had purchased four flats in the name of the

complainant. he had also given the receipts to that effect. It is alleged that the complainant had executed a power of attorney in favour of the applicant. The said flats were given on rent and it was the responsibility of the applicant to collect the rent from the respective tenants. According to the complainant, the brother-in-law had issued the rent receipts for a sum of Rs.9,000/-. However, he had reliably learn that he has collected rent more than what is mentioned in the receipts. According to the complainant, he apprehended that the applicant may misuse the power of attorney and transferr the said flats in his own name. Hence, he had lodged the report.

3. The learned counsel for the applicant submits that the said apprehension was unfounded and in fact there was nothing on record to even remotely indicate that the applicant has committed breach of trust of his son-in-law

4. Taking into consideration the papers of investigation, the relations between the parties, this Court is inclined to grant bail in favour of the applicant by imposing certain conditions.

5. The observations herein are restricted to an application under Section 438 of Cr.P.C.

ORDER

(i) The application is allowed.

(ii) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more solvent sureties in the like amount.

(iii) The applicant shall report to the Navghar Police Station on 4th, 5th, 6th and 7th of February, 2017 and co-operate with the investigating agency to the best of his capacity.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)