

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 210 OF 2017**

|                          |               |
|--------------------------|---------------|
| Mahesh Posu Patil        | ...Applicant  |
| Versus                   |               |
| The State of Maharashtra | ...Respondent |

Mr.Prashant P.paul for the applicant.

Mr.V.V.Gangurde, APP for the State.

**CORAM: A.M. BADAR, J.**

**DATED: 12<sup>th</sup> OCTOBER, 2017**

**PC:-**

1. This is an application for seeking pre arrest bail in crime No.270 of 2016 registered with Dadar Police Station, Mumbai for the offence punishable under Section 420 of the Indian Penal Code.

2. Heard the learned advocate appearing for the applicant/accused. He fairly accepted the fact that despite undertaking given to this Court as well as the order dated 28.8.2017 showing indulgence by extending the time to pay the entire amount, the applicant has not instructed him about payments in pursuant to the order of this Court. My attention

is drawn to the First Information Report. The learned APP opposed the application by stating that apart from the first informant, the present applicant has also cheated 4 to 6 persons by collecting amount from them for delivery premises.

3. I have carefully considered the rival submissions and perused the record made available. The First Information Report came to be lodged by informant Nanda Pawar. Allegations are to the effect that she paid an amount of Rs.5 lakh to the present applicant, as present applicant had assured her to deliver residential premises comprising of one room after effecting construction on his land. Neither the construction was effected nor the amount paid by her is refunded.

4. It is seen from the record that the applicant had undertaken before this Court that he will refund the amount. It is also seen that the learned Sessions Judge had referred the matter to the Judge mediator and in that process the applicant had given cheques for refund of the amount collected by him.

Those cheques are also dishonoured. The willingness shown by the applicant before this Court to refund the amount is also not materialised. This *prima facie* reflects intention to cheat since inception. No case for pre arrest bail is therefore, made out.

5. The application is therefore rejected.

6. The application stands disposed of.

**(A.M. BADAR, J )**