

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 223 OF 2017

- | | | |
|----|--------------------------|----------------|
| 1. | Ravi Ranjan Kumar Gautam | |
| 2. | Sonali Ashok Gawade | ... Applicants |
| | Vs. | |
| | The State of Maharashtra | ... Respondent |

WITH
CRIMINAL APPLICATION NO. 129 OF 2017
IN
ANTICIPATORY BAIL APPLICATION No. 223 OF 2017

- | | | |
|----|------------------------------|----------------|
| | Dilip Gulabrao Kudale | ... Intervener |
| | in the matter between | |
| 1. | Ravi Ranjan Kumar Gautam | |
| 2. | Sonali Ashok Gawade | ... Applicants |
| | Vs. | |
| | The State of Maharashtra | ... Respondent |

Ms. Sangita Survase i/b. Mr. Nitin Lala Rajguru, Advocate for the Applicants.
Mrs. Rutuja Ambekar, APP for Respondent – State.
Mr. Aniket Nikam i/b. Chetan S. Damre, Advocate for the Intervener.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **13th February, 2017.**

P.C.:

This Application is moved by the applicant/accused under section 438 of Cr. P.C. The applicants/accused are apprehending arrest in C.R. No. 765 of 2016 registered with Wakad Police Station for the offences punishable under sections 406, 507 r/w. 34 of the Indian Penal Code.

2. It is the case of one Dilip Gulabrao Kudale that he and his family run

a partnership firm, namely, Legacy Lifespaces, which is having a business of building construction. The applicant/accused Ravi Ranjan Kumar was working as Sales Manager and applicant/accused Sonali Gawade was working as Sales Executive in their firm. In the year 2016, the complainant and other partners found that the applicants/accused have directly dealt with the customers in respect of open or cover parking along with respective flats and they have demanded cash of Rs.50,000/- to Rs.3,00,000/- for such parking. As per their demand, the flat purchasers have paid cash amount for open and cover parking to applicant nos. 1 and 2, however, the said amount was never deposited in the account of partnership firm. On receiving the complaints of the flat purchasers, the complainant approached the police and the offence was registered against the applicant/accused.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused are innocent. They have not accepted any amount on the pretext of offering open or cover parking. The learned counsel further submitted that the applicants/accused were drawing salary of Rs.60,000/- per month, therefore, there may be good balance in their respective account. The learned counsel further submitted that the applicants/accused have been working with the company from September, 2014 and no complaint was made against them from September 2014 till

December, 2016. The applicants/accused are falsely implicated in the offence. Hence, the applicants may be granted pre-arrest bail.

4. Learned APP produced the statements of various flat owners who have stated that extra amount was charged for the open or cover parking spaces and that amount was paid by them from Rs.50,000/- to Rs.3,00,000/- directed to applicant no. 1 Ravi Ranjan Kumar. She relied on the statement of Axis Bank account of Ravi Ranjan Kumar where he has received and deposited amounts and so also there are continuous transfers of the amounts from his account to the account of applicant no. 2 Sonali Gawde. Hence, she submitted that custodial interrogation of these applicants/accused are required for more details and for recovery of the amounts.

5. Perused the FIR, statements of the witnesses, i.e., flat purchasers. Also perused the movements of the money in and from the account of applicant Ravi Ranjan Kumar. *Prima facie* there is evidence to show that the applicants/accused have taken money in cash from the flat purchasers on the promise to allot open or cover parkings. They have accepted money in the name of partnership firm and the amount was not deposited in the account of partnership firm. Under such circumstances, *prima facie* there is evidence of cheating against the applicants/accused. Hence,

Anticipatory Bail Application is rejected.

6. In view of dismissal of Anticipatory Bail Application, Criminal application No. 129 of 2017 does not survive, hence the same is disposed of accordingly.

(MRIDULA BHATKAR, J.)