

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.231 OF 2017

Annasaheb Appasaheb Vastrad & Ors. .. Applicants

Vs.

State of Maharashtra .. Respondent

Mr.Satyavrat Joshi for the applicants.

Ms.A.A. Takalkar, Additional Public Prosecutor for the respondent.

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CORAM : T.V. NALAWADE, J.

DATE : 18th August 2017

P.C. :

The application is filed for the relief of anticipatory bail in C.R. No.73 of 2016 registered with Lashkar Police Station, Pune for the offences punishable under Sections 420, 465, 468, 474 read with 34 of the Indian Penal Code. Both sides are heard. Papers of investigation were made available for perusal of this Court.

2. During the arguments, submission was made that the applicant no.1, Annasaheb Appasaheb Vastrad came to be arrested and so the proceedings filed by the applicant nos.2 & 3 only needs to be decided. The record collected by the police and the submissions made show that false representation was made by the applicant no.1, Annasaheb Appasaheb Vastrad to the complainant, Faisal Khan that he was in a position to see that the land of forest department is given to the complainant for starting the school. Representation was made that money was required to be spent for giving such land. One Dr.Santosh Sidid was known to the father-in-law of the complainant and they said that

the main accused Annasaheb was in a position to give land of various departments to the complainant. Due to this assurance, the complainant gave the amount of Rs. 30,50,000/- to Annasaheb.

3. Another representation was made to the complainant that Annasaheb was in a position to give a post at President House, New Delhi to the complainant and if such post is accepted, it will be easy to get the land of forest department. By making that representation also, the money was extracted from the complainant. Allegations are made that the applicant nos.2 and 3, sons of Annasaheb also represented that his work of post from Delhi was done. They procured one correspondence on email and handed it over to the complainant. They represented that due to this correspondence, it had become easy to get the land from forest department. As for many months, nothing happened, the complainant insisted to do the work or return the money. When the accused was avoided him, the report came to be given on 11th May 2016.

4. During the course of investigation, investigating officer has verified the things. The so called email correspondence is found to be fake. Learned counsel for the applicants submitted that the said email account was opened by Annasaheb and so protection needs to be given to the applicants. This submission is not acceptable. It can be said that Annasaheb and his two sons were working together as Annasaheb is aged about 60 years. In view of the specific allegations made against the applicants, this Court holds that discretionary relief cannot be given to the applicants. The circumstance that this Court granted relief in favour of Dr.Santosh Sadid cannot be of help to the applicants to get relief as the said doctor had only introduced Annasaheb to the complainant. Money

was not handed over to this doctor. In view of this circumstance, custodial interrogation is must. Application is rejected. Interim relief is vacated.

T.V. NALAWADE, J.