

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.880 OF 2017

DINESH RAJESH VARMA AND ANR.)...APPLICANTS

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Ms.Madhavi Nalluri a/w. Mr.Akshay Kamble, Advocate for the Applicants.

Mr.Avinash Khamkhedkar, APP for the Respondent - State.

**CORAM : A. M. BADAR, J.
(VACATION COURT)**

DATE : 2nd JUNE 2017

P.C. :

1 This is application for anticipatory bail by applicants / accused in Crime No.54 of 2017 registered with Meghwadi Police station for the offences punishable under Sections 420, 406 read with Section 34 of the IPC. Applicant no.1 Dinesh is son of applicant no.2 Meena.

2 Heard the learned advocate appearing for applicants / accused on request for grant of ad-interim anticipatory bail to both applicants / accused. She argued that applicants / accused are not concerned with the crime in question but it was husband of applicant no.2 Meena, namely Rajesh, who had prevented the purchaser from taking possession of the room sold by applicant Meena. She argued that husband of applicant Meena has falsely implicated both applicant / accused in the crime in question.

3 Perused the FIR as well as the record made available including the order passed by the learned Additional Sessions Judge rejecting the application for anticipatory bail.

4 Informant Subhash Gawde is a retired teacher. His FIR reveals that from his hard earned savings of the life, he purchased rooms from applicant Meena by paying valuable consideration of Rs.62.50 Lakh. FIR reveals that applicant Dinesh was also present at the time of the said transaction. Accordingly, an agreement was also executed. It is seen that subsequently possession of sold out

premises could not be obtained by the informant / purchaser as he was prevented to obtain possession by husband of applicant no.2 Meena and father of applicant no.1 Dinesh.

5 Upon being asked whether applicants are willing to repay the amount of consideration received by applicant Meena from the first informant, the learned advocate for applicants / accused argued that if ad-interim anticipatory bail is granted, then applicants may arrange for refund of the amount.

6 Prima facie, it is seen that both applicants along with their close relatives and co-accused Rajesh have cheated the first informant by breaching the trust reposed by him on them. The amount involved in the crime in question is not yet recovered.

7 Considering the nature of offence and the manner in which the retired teacher is duped, no case for grant of ad-interim anticipatory bail is made out.

8 Consequently, the main application itself deserves to be rejected and the same is accordingly rejected.

(A. M. BADAR, J.)