Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 1639 OF 2016

1. Tushar Shahaji Chaudhari
2. Wasin Mohammed
3. Ahmed Basha Shaikh . ... Applicants

Vs.

The State of Maharashtra ... Respondent

Mr. R.D. Soni a/w. Mr. Sujay Gawde, Mr. Ajay Sharma i/b. M/s. Shree & Co., Advocate for the Applicants.
Mr. Deepak Thakery, APP for Respondent – State.
Mr. Mahesh Mandre, P.S.I., EOW, Navi Mumbai.

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

P.C.:

This Application is moved by the applicants/accused under section 438 of Cr. P.C. The applicants/accused, who are the directors of Priority International Holidays Club Pvt. Ltd., Landmark Building, Shop No. 809/810, Sector No. 7, Kharghar, Navi Mumbai, are apprehending arrest in C.R. No. 195 of 2016 registered with Kharghar Police Station, Navi Mumbai for the offences punishable under section 420 r/w. 34 of the Indian Penal Code.

2. The offence of cheating has taken place during the period from 26th March, 2016 to 28th June, 2016. The applicants/accused are running a company where they have assured various people that they have won a gift in Lucky draw and when the complainant and other witnesses came to

the hotel, at that time, the applicants induced them to take a full membership of the company with holiday package. The complainant Kavita Kavish Naik and other 16 people, who are the witnesses in the present case, were induced to accept the membership of the said company on the promise that they will be provided attractive holiday packages, however, they were not given the packages and some complaints were registered against the company at various police stations like APMC Police station, Amboli Police Station, Hadapsar Police Station and Chaturshringi Police Station of similar nature, i.e., deceiving many persons of providing holiday packages, however, such packages were not provided to the members. The complainant thereafter approached the police and gave complaint. The offence was registered on 29th June, 2016 against the applicants/accused.

3. The learned counsel for the applicants/accused has submitted that the applicants/accused, who are the directors of the company, in fact provided the service of holiday packages to many people, however, the complainant out of fear has registered this complaint. The learned counsel submitted that the applicants/accused wanted to return the money of the complainant and other witnesses, as they have no intention to cheat anybody. The learned counsel has requested the Investigating officer to give the details of the persons and expressed that the applicants/accused

are ready to give a letter to the bank to pay the amount out of his frozen accounts to the complainant and other witnesses. The learned counsel further submitted that the applicants/accused also will give a letter to that effect not only to the bank but also to the Investigating officer. Accordingly, the amounts of the complainant and other witnesses will be repaid.

4. Learned APP while opposing the Anticipatory Bail Application has submitted that the applicants/accused are the directors of the company and they are not only involved in the present case but also in other 4 C.Rs like C.R. No. 135 of 2016 with APMC Police Station, C.R. No. 107 of 2016 with Amboli Police Station, C.R. No. 300 of 2016 with Hadapsar Police Station and C.R. No. 299 of 2016 with Chaturshringi Police Station are registered under section 420 r/w. 34 of Indian Penal Code of various amounts and the total amount goes upto Rs.87,48,205/-. Learned APP submitted that the amount of Rs.9,82,500/- is still due from the applicants/accused.

5. Heard both the parties. The bank accounts of the company are freezed by the police. However, the applicants/accused, who are the directors of the company, have shown their willingness to give letter to the concerned bank and another letter to Investigating officer directing the bank and requesting the Investigating officer to withdraw amount of

Rs.9,82,500/- and it is to be paid to the complainant and other witnesses, the said statement is accepted. The list of witnesses and the complainant is hereby provided to the Investigating officer, which is as under:

S. No.	Names of complainant	Total Amount	Amount received	Amount due
1	Kavita Kavish Naik	180000		180000
2	Chandrahas Ramdas Punekar	62500		62500
3	Subhash Shrikrishna Sonawane	95000		95000
4	Lalita Vijay Shinde	75000	50000	25000
5	Smt. Santosh Vikram Singh	50000		50000
6	Shri Harikrishna Subramaniam Nair	75000	75000	–
7	Manish Prakash Botra	125000	125000	
8	Vishal Shripati Mane	50000	50000	---
9	Smt. Menaka Anuj Gupta	50000	50000	–
10	Nikhil Ramesh Raje	80000		80000
11	Smt. Puja Abhishek Bajoriya	75000		75000
12	Smt. Kalyani Sagar Pawar	65000	65000	–
13	Smt. Sangeeta Renukaradhe Huligerimat	105000		105000
14	Smt. Supriya Santosh Kadam	115000		115000
15	Smt. Meena Avinash Harne	62500		62500
16	Sameer Sadanand Karanjkar	92500		92500
17	Vaibhav Prabhakar Mishra	40000		40000
	TOTAL	**1397500**	**415000**	**982500**

The applicants/accused shall give letters to the bank and Investigating officer and also shall do the needful as required by the bank and

Investigating officer on or before 16th February, 2017. Accordingly, the amounts are to be returned. The bank is directed to return the amount to each of the persons. The order of the Interim Anticipatory Bail dated 25th October, 2016 is hereby confirmed with same bail bonds. The applicants/accused are directed to attend police station on every Monday between 6 to 7 p.m. till the filing of the charge sheet.

6. Anticipatory Bail Application is disposed of on above terms.

(MRIDULA BHATKAR, J.)