

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

ANTICIPATORY BAIL APPLICATION NO.1882 OF 2016

Makbul Mahamadali Nadaf & Anr. Applicants

versus

The Senior Inspector of Police
Ajara Police Station & Anr. ... Respondents

**WITH
ANTICIPATORY BAIL APPLICATION NO.1917 OF 2016**

Sampati Tukaram Sanas Applicant

versus

The Senior Inspector of Police
Ajara Police Station & Anr. ... Respondents

Mr.Subodh Desai, Advocate i/b. Husayn Kopty, Advocate for the Applicant.

Mr.M.K. Kocharekar, Advocate for the applicant in ABA No.1917/16.

Mr.Rajan Salvi, APP for the State/Respondent in both the ABAs.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 11th JANUARY, 2017.**

P.C. :

1. The applicant/accused are facing prosecution u/s 406, 420, 464, 468, 471 r/w 34 of IPC in C.R.No.122/16 of Ajara Police

Station. The offence is registered at the instance of one Sunil Balu Powar on 24/09/2016.

2. It is the case of prosecution that the applicants/accused Nos.1 and 2 promised the complainant that he will be giving the job in Water Irrigation Department at Panvel as a pump operator and induced him to pay Rs.5,50,000/- for the same. All the applicants together have issued appointment order dated 11/06/2015 to the complainant and asked him to join in the Engineering Works Department. He went to that department and met the applicant/accused Sampat Tukaram Sanas who told him to stay at Satara for six months and after six months the permanent order would be issued and he would be getting salary of Rs.12,000/- per month for six months. Thereafter when he was searching for room, he came across his cousin Ramdas Govind Patil and other person by name Uttam Shivaji Gurav who informed that they were also duped for an amount of Rs.5,50,000/- by Makbul Nadaf by giving false promise of giving job. Initially they received Rs.6,000/- and Rs.5,000/- for two months and thereafter they did not receive any amount. He was told that he was

transferred to Mahabaleshwar and applicant/accused No.3 Sampat Sanas put the complainant in one resort at Mahabaleshwar. However, he was not given any job and therefore he and his one colleague realized that they were deceived. Finally when they asked to give them job, the applicants/accused gave evasive answers and avoided them and therefore the complaint was given against the accused persons.

3. The learned counsel for the applicants/accused has submitted that father of applicant/accused No.3 Sampat Sanas owns a land and the said land was purchased by the complainant and other two persons by agreement of sale dated 26/06/2016 for Rs.17 lakhs, out of which Rs.5 lakhs were paid at the time of agreement of sale. The learned counsel submitted that his transaction is the root of dispute. The learned counsel submitted that this dealing between the complainant and accused No.3 Sampat Sanas was frustrated and therefore the applicant/accused is falsely implicated in this case. The learned counsel submitted that other two accused Raju Bande and Makbul Nadaf were the middlemen in the said transaction. They are innocent. They are on

interim bail. They have attended all the dates with the police and hence no custodial interrogation is required and prayed for pre-arrest bail.

4. The learned prosecutor has opposed the application and submitted that C.R.No.166/16 registered at Karvir Police Station is pending against one of the accused Makbul Nadaf of the same nature.

5. Perused the FIR, which is very elaborate and give all the details of the steps taken by the applicants/accused together and how the complainant and other persons were deceived by giving promise of job of pump operator. The FIR discloses that one more bogus order was issued by the applicants/accused to give job and money was obtained illegally. Considering these allegations, I am of the view that custodial interrogation of the applicants/accused is necessary. Hence application is rejected.

(MRIDULA BHATKAR, J.)