

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 586 OF 2018

Joseph @ Joe Silva	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr	...Respondents

Ms. Rohini Salian, a/w Mr. S. B. Bhatgunaki, for the Applicant.
Mr. Ameet Palkar, APP for the State/Respondent.
Mr. Salman Hiader Khan, h/f Mr. Mahesh L. Kukreja, for Respondent no.2.
Mr. Santosh Rasam, API, Khar Police Station.

CORAM: A. S. GADKARI, J
DATED: 11th JUNE, 2018

PC:-

1. By an order dated 26th March, 2018 the Applicant was granted interim relief.

Heard the learned Counsel for the Applicant, the learned Counsel for the first informant and the learned APP. Perused the record of investigation.

2. The prosecution case in brief is that the co-accused Antony Silva, his wife Nancy Silva and son Nikhil Silva in connivance with each other and by representing first

informant that the construction of Sunshine Building is lawful, induced him to part with a sum of Rs.9,25,00,000/-. The said accused also submitted photo copies of completion certificate for 14th and 15th floor of the said building by endorsing a bogus stamp of Mumbai Municipal Corporation on it, and committed the act of cheating against the first informant. It is the further grievance of the first informant that, the accused persons neither handed over the said flats nor returned the amount accepted by them.

3. On perusal of FIR it would indicate that the applicant who is the younger brother of Antony Silva used to remain present in the office of Antony when the first informant visited the said office. Apart from the said facts and the fact that the applicant is younger brother of principal accused Antony Silva, no over track has been attributed to the applicant in the present crime. The record of investigation reveals and endorses the said fact.

4. In view thereof, the applicant is entitled to be protected by the pre-arrest bail.

Interim relief granted by an order dated 26th March, 2018, is hereby confirmed. However, the condition to attend the concerned police station is waived.

5. The Application is allowed in the aforesaid terms.

[A. S. GADKARI, J.]