

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1123 OF 2018**

Arjun Maruti Bhosale

....Applicant.

Vs.

State of Maharashtra

....Respondent.

Mr. Ashish Dubey i/by Shabnam Shaikh for the Applicant.
Smt. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 13th JUNE, 2018.****P.C.:-**

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in CR No. 63 of 2018 dated 7th March, 2018 registered with Trombay Police Station, Mumbai under Sections 420, 34 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicant and the learned APP. Perused the record of investigation.

3 The prosecution case in brief is that, the Applicant impersonated himself as an Officer of MHADA and showed his identity card to the first informant and in connivance with other co-accused, promised the first informant to give two flats in the property

belonging to MHADA. That, the Applicant had accepted Rs.2,50,000/- through RTGS from the first informant and subsequently transferred part of the said amount in the account of co-accused. The Applicant neither gave possession of the said flats as agreed to be sold to the first informant, nor returned the amount to him. In the premise, the first information report is lodged.

4 The learned counsel appearing for the Applicant submitted that, the Applicant is no way concerned with the present crime. He submitted that, it is the accused Sandip Patsute who is the principal accused in the present crime. That, after getting knowledge that an amount of Rs.2,50,000/- is deposited in his account, he immediately made a representation to the Senior Inspector of Police Trombay Police Station, Mumbai about the same. He submitted that, the Applicant is not an employee of MHADA therefore, there is no question of showing any identity card to the victim by him. He therefore prayed that, the Applicant may be granted pre-arrest bail.

5 The record of investigation reveals that, the Applicant impersonated himself as an officer of MHADA and showed his identity card to the victim to gain his confidence. He along with other accused, thereafter induced the first informant part with money to the

tune of Rs.2,50,000/-, which is deposited by the first informant in the account of the Applicant through RTGS mode. The record further indicates that, the Applicant instead of returning the said amount to the concern person i.e. the victim, in fact has further transferred the said amount in favour of co-accused. This clearly shows the complicity of the Applicant in the present crime. The police had yet to recover the alleged bogus identity card used by the Applicant in the present crime. There is sufficient material available on record indicating the clear involvement of the Applicant in the present crime.

6 After taking into consideration the material available on record, serious allegations against the Applicant and the gravity of the offence, this Court is of the considered view that the Applicant does not deserve to be protected by pre arrest bail.

7 Application is accordingly rejected.

(A.S. GADKARI, J.)