

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1141 OF 2018

Parsuram Vasu Rane & Anr	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Asit Singh, for the Applicants.
Mr. M. G. Patil, APP for the Respondent/State.

CORAM: A. S. GADKARI, J
DATED: 14th JUNE, 2018

PC:-

1. This is an application under Section 438 Criminal Procedure Code for pre-arrest bail in CR No.108 of 2018 registered in Navghar Police Station, Mulund, Mumbai under Section 420 r/w 34 of Indian Penal Code.
2. The First Information Report ("FIR", for short) is lodged by Shri. Dilip Sawant. It is stated that as the first informant was due for retirement, he was in search of residential premises in the vicinity of Mulund city. Applicant no.1 Parsuram Rane therefore introduced him with one Mr. Salim Khan with a promise that the said Salim

Khan will procure residential premises from the quota allotted to MP's, MLA's and Corporators owned by MHADA. The first informant believing in the words of applicant no.1, thereafter handed over a cheque of Rs.13,21,000/- to the said Mr. Salim Khan on the basis of assurances given and in presence of applicant no.1. The said amount has been duly encashed. It is the further case of prosecution that out of the said amount of Rs.13,21,000/-, a sum of Rs.10,00,000/- has been received by applicant no.2 Smt. Aarti Kudalkar, who represented herself to be an agent of MHADA. As the applicant neither gave possession of the flat from MHADA nor returned the amount, the first informant persuaded them for return of the money, upon which applicant no.2 gave two cheques to the first informant which have been dishonoured on presentation. In the premise the first information report is lodged.

3. A bare perusal of the first information report and record would indicate that the applicants by making false representation to the first informant that the co-accused Salim Khan is competent enough to give flats belonging to MHADA from the quota allotted to MP's, MLA's and

Corporators, induced the first informant to part with the said huge amount and after its receipt has defalcated it. *Prima facie*, the involvement of the applicants in the present crime is apparent. There is sufficient material to indicate their complicity in the present crime.

4. After taking into consideration the material available on record, serious allegation against the applicants and the gravity of the offence, this Court is of the view that the applicants do not deserve to be protected by pre-arrest bail.

5. Application is accordingly rejected.

[A. S. GADKARI, J.]