

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1373 OF 2018**

Sandip Mandip ShahApplicant.
Vs.
The State of MaharashtraRespondent.

Mr. Milan Desai I/by T.R. Patel for the Applicant.
Mr. Ameet Palkar, APP, for the Respondent-State.

**CORAM : A. S. GADKARI, J.
DATE : 13th JULY, 2018.**

P.C.:-

The Applicant is apprehending arrest in CR No. 94 of 2018 dated 15th March, 2018, registered with Vanarai Police Station, Mumbai under Sections 420, 465, 466, 467, 468, 471, 472, 120(b) read with Section 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 first information report is lodged by Shri Pravinbhai Malani.

The prosecution case in brief is that, the first informant was introduced with the Applicant by co-accused Devendra Vijayrao and Mrs. Kashmira Kulkarni.

The Applicant represented to the first informant that, a piece or parcel of land lying and situate at village Eaksar Pahadi,

Goregaon (East), Mumbai is available for development and induced the informant to take over the said property for development in partnership. The Applicant and other accused persons thereafter, induced the first informant to part with a sum of Rs.1,21,00,000/- (Rupees One Crore Twenty One Lakhs only) from time to time for the same. The Applicant along with other accused persons also represented the first informant that, the Suit pertaining to the said property bearing Testamentary Petition No. 35 of 2013 has been decreed by the High Court and the alleged Orders passed by two learned Single Judges of this Court were produced for inspection of the first informant. The Applicant along with other accused persons also showed certain documents about the matter which was sub-judice before the Charity Commissioner, Mumbai. The first informant thereafter, verified the Orders passed in Testamentary Petition No. 35 of 2013 and it was revealed that, the said Orders do not pertain to the property in question and no such Orders, in fact, were passed by this Court in the matter. The first informant, therefore, realized that the Applicant along with other accused persons, by making false representation pertaining to the said property and by producing bogus and false Orders allegedly passed by this Court, gained his confidence

and induced him to part with Rs.1,21,00,000/- (Rupees One Crore Twenty One Lakhs only) and subsequently, defalcated the same.

4 At the outset, it is to be noted here that, the allegations against the Applicant and the other accused persons are indubitably serious in nature and requires thorough investigation by the police. Since inception of the inducement till the last date, the Applicant was in contact with the informant and also accompanied the other accused persons while inducement was given to the first informant from time to time and the first informant was made to pay the aforesaid huge amount. The Applicant along with other accused persons has brazenly indulged into misrepresenting the informant by producing bogus Orders allegedly passed by this Court in Testamentary Petition No. 35 of 2013. There is sufficient material on record to show the clear complicity of the Applicant in the present crime.

5 In view of the above and after taking into consideration the record of investigation, 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.

6 Application is accordingly rejected.

(A.S. GADKARI, J.)