

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1949 OF 2018

Manoj Suresh Naidu, Age 48 years,
Occ.Service, R/o.Flat No.8, Surya Kiran CHS
Senapati Bapat Marg, Mahim (West),
Mumbai-400 016. Presently at
Mumbai Central Prison.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Aniket Nikam with P.R.Toshniwal I/by Aashish Satpute for
applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 31st August 2018

PC :

1. This is an application for bail in connection with CR No.155 of 2017 registered with Dadar Police Station. The investigation is complete and charge sheet has been filed.

2. The prosecution case is that the complainant is working as a Receptionist at Union Ship Management at Andheri, Mumbai. The complainant and her husband had decided to purchase flat. They searched the flat on website. The complainant got the number of applicant as an estate agent. She contacted him. The applicant called the complainant at Matunga. On 1st January 2015, the complainant and her husband went to his house and discussed their budget and requested him to show flat within their budget. The applicant represented that he is agent and an officer of MHADA and

he knew officers of MHADA namely Mr.Kaushal Shah, Mr.Rajukalan Fernando and Mr.Deepak Karkosh. He further told that in every building 10 flats are reserved for the government and that one of those reserved flats will be given to the complainant. Accordingly the applicant accepted Rs.17 lakhs. When the complainant asked about amount, he gave false promises and cheated the complainant. The flat was not handed over to the complainant.

3. Learned counsel for applicant submitted that prior to the arrest of applicant he had deposited Rs.8.50 lakh into the account of complainant. After the applicant was arrested, Rs.3 lakh were paid to the complainant by the persons who are named in the FIR namely Kaushal Shah, Rajukalan Fernando and Deepak Karkosh. It is further submitted that the amount of Rs.5 lakh was credited to the account of Kaushal Shah. Learned counsel drew my attention to supplementary statement of complainant recorded on 17th August 2017. In the said statement the complainant has referred to the amount received from applicant and other persons. It is stated that out of Rs.17 lakh, Rs.5.50 lakh are yet to be received by her. Learned counsel for applicant submitted that Rs.5 lakh was credited into the account of Kaushal Shah who is not available and cash was handed over to him.

4. Learned APP submitted that false representations were made by the applicant. The applicant is the main accused who misrepresented the complainant that he is the officer of MHADA and induced her to make payment of Rs.17 lakh. The complainant was given false promise of flat being provided to her and that the amount was received by the accused. Considering the nature of allegations attributed to the applicant, bail may not be granted to him.

5. I have perused the documents on record. The supplementary statement of complainant pointed out by the counsel for applicant indicates that out of Rs.17 lakh, the complainant had received about Rs.11.50 lakh and Rs.5.50 lakh are yet to be received. The bank statement of the applicant and her husband indicate that Rs.8.50 lakh was transferred to the account of complainant. From the statement of complainant in the FIR it is apparent that she has alleged that Rs.5 lakh were handed over to Mr.Kaushal Shah. The investigation is complete and charge sheet is filed. In the circumstances, bail can be granted to the applicant.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.1949 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.155 of 2017 registered with Dadar Police Station, Mumbai on furnishing PR bond in the sum of Rs.20,000/- with one or more solvent sureties in the like amount
- (iii) The applicant shall report the investigating officer of Dadar Police Station once in a month on first Saturday between 10 am and 12 noon till further orders;
- (iv) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)