

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1760 OF 2018

Mohammad Shamim Khan	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. M. Moses for the applicant.
Mrs. G.P. Mulekar, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.
DATE : 3rd SEPTEMBER, 2018.

P.C.

1. This is an anticipatory bail application in connection with C.R. No. 358 of 2017 registered with Matunga Police Station for the offences punishable under Sections 420 read with 34 of Indian Penal Code.

2. The FIR is lodged by one Swaroop Vishwanath Das. It is the case of the prosecution that accused Devidas Ghatge in connivance with other accused represented first informant that they will make available a flat situated at MHADA and induced him to pay Rs.25,00,000/- and prepared forged affidavit and falsely stated to the complainant that he is having good contacts and relations with MHADA Officers. However, the first informant

did not receive the possession of the flat nor he was refunded the amount.

3. During the course of investigation, it was revealed that the present applicant had introduced a person as MAHADA officer in the presence of first informant with a view being confidence of the first informant. It is also alleged that the applicant had benefited of Rs.2,00,000 of the said crime. The applicant had preferred an application for anticipatory bail before this Court being ABA No. 231 of 2018. By order dated 7th February, 2018, interim protection was granted to the applicant and the matter was adjourned to 23rd February, 2018. Thereafter, the matter was appeared on 7th June, 2018 which was dismissed for non-prosecution. The applicant did not file any application for restoration of the said application immediately after the dismissal.

4. Learned APP submits that the applicant had not complied with the directions to report to the police station in accordance with the order dated 7th February, 2018. It is submitted that the applicant was not found at the address which was given by the applicant, the case dairy in that regard has been recorded by the Investigating Officer. It is further submitted earlier application which was dismissed for default, but the applicant did not prefer

an application for restoration. In earlier application he had relied upon the bogus cheque which was annexed to the said application, hence he had preferred fresh application.

5. Learned counsel for the applicant further submitted that he has attended the police station. He has co-operated with the investigation.

6. It is pertinent to note that the earlier application was dismissed for default on 7th June, 2018 and since then the applicant did not take any step to prefer an application for restoration. This application is filed on 31st August, 2018. Considering the role attributed to the applicant that he was one of the person who had introduced a MHADA Officer to win confidence of the complainant. No case is made out for grant of anticipatory bail. The application stands rejected.

Sachidanand
Kuttan Nair

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by Sachidanand
Kuttan Nair
Date: 2018.09.06
14:46:07 +0530

(PRAKASH D. NAIK, J.)