IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1878 OF 2018

Mohammed Zubair A. Khan,
Age 47 years,Occ.Business,
R/o.B, 1006, Orchid Co-op. Hsg. Society,
Jangid Enclave, Beverly Park, Kanakiya Road,
Mira Road (East), Thane-401107. Applicant
versus
The State of Maharashtra Respondent

Mr.Lavkush Sharma for applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th September 2018

PC :

1. The applicant is apprehending arrest in connection with CR No.I-306 of 2018 registered with Naya Nagar Police Station, Mira Road for offence under Section 420, 34 of Indian Penal Code. The brief facts of the prosecution are that the informant had lodged the FIR alleging that the accused induced her and her father to invest money in company known as X Direct Trading Company under the pretext that he will give good returns on the investment. The informant invested Rs.5 lakh in the said company on representations made by the applicant. The accused paid Rs.25,000/- to the informant and thereafter the company was closed. In spite of repeated demands, the accused did not refund the said money to the informant, her father and other investors of like nature.

2. Learned advocate for applicant submitted that the only role which is assigned to the applicant is that he had requested the informant to invest money with the said company. He is not the beneficiary of the amounts collected by the company. He has not made any false representations. He is also a victim of the circumstances. He had invested the money in the said company. However, the company was closed without his knowledge. Nothing is to be recovered from him. He has co-operated with the investigation. It is further submitted that the applicant had lodged the complaint against the partner of said company on 5th July 2017 and thereafter.

3. Learned APP submitted that during the course of investigation statements of several investors were recorded wherein they have stated that the amounts were handed over to the applicant for investment. The applicant had made representation that investors should deposit the money with the said company and on his representations the amounts were deposited by them. The investors have also stated that the applicant was the partner in the said business and amounts which were deposited by cheques, were credited to the account of applicant. It is submitted that the applicant had made representations to the investors which were found to be false. The uncle of applicant was also a partner in the said business.

4. On going through the FIR it is apparent that the applicant had induced the complainant to invest the amount. The statements of several other persons recorded during the course of investigation also

discloses complicity of the applicant in the transactions. The applicant has indeed made complaints to police, however, the investors whose statements were recorded have also stated that the applicant has represented himself to be a partner of the said business. If the applicant was an investor in the said company, he would not have induced several other persons to invest the amount in the said company. There is nothing on record to indicate that the applicant has personally invested amount in the said company. Taking into consideration the aforesaid aspects, no case for grant of anticipatory bail is made out. Criminal Anticipatory Bail Application No.1878 of 2018 is accordingly rejected.

(PRAKASH D. NAIK, J.)

MST