

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

ANTICIPATORY BAIL APPLICATION NO. 2176 OF 2018

Ashok Harchandani & Ors.	... Applicants
Vs.	
State of Maharashtra	... Respondent

...

Mr. Satish B. Patil for the applicant.
Mr. R.M. Pethe, APP for the Respondent-State.
Mr. S.R. Nimale, PSI, MIDC Police Station is present.

...

**CORAM : PRAKASH D. NAIK, J.
DATE : 24th OCTOBER, 2018.**

P.C.

1. This is an application for anticipatory bail in connection with CR No. 250 of 2018 registered with MIDC Police Station for the offences punishable under Sections 406, 420 read with 34 of Indian Penal Code.
2. The complainant has alleged that from time to time substantial amount was invested with the applicant and his family members. Although, the promises were made, the same were not fulfilled. It is also alleged that the applicant had promised delivery of vehicles by executing MOU which is also not fulfilled him. According to the complainant in 2013, she had invested sum of Rs.5,00,000/-. The complainant had invested total amount of

Rs.27,50,000/-. FIR was lodged on 30th May, 2018. The son of the applicant was arrested and he was in custody for a period of 12 days. He is being granted bail. Learned counsel for the applicant submitted that from time to time the payment was made to the complainant which is evident from the bank statement. It is further submitted that the MOU was executed in September, 2016 under coercion. Applicant No. 2 to 4 are the family members of the applicant No.1.

3. Learned APP submitted that complainant had invested huge amount and false promises were made by the applicant about delivery of vehicle which were sold to some other persons. The applicant has thereby cheated the complainant.

4. As far as applicant Nos. 2 to 4 are concerned they are family members of applicant No.1. It is noted that the transactions were executed between the both the parties since 2013. Bank statement indicate that the amounts were credited and debited in the account of the applicant. Dispute relates account in respect to payment of money. The applicant has made substantial payment to the complainant. Applicant's son was arrested and granted bail. Taking into consideration the aforesaid circumstances, the case for grant of anticipatory bail is made out.

ORDER

- i) In the event of arrest of applicants in connection with CR No. 250 of 2018 registered with MIDC Police Station, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- ii) The applicants shall attend the investigation officer once in a week on Friday between 10.00 a.m. and 12.00 noon till filing of the chargesheet;
- iii) The applicants shall not tamper with the evidence and/or influence the prosecution witness;
- iv) Anticipatory Bail Application stands disposed of.

Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.10.26
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(PRAKASH D. NAIK, J.)