

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 141 OF 2019

Shriniwas Madhav Suryavanshi ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Ms.Mansha Khemka a/w. Ms.Bhagyshree Upadhyay i/b. Khemka and Associates for Applicant.

Mr.Deepak Thakare, P.P. a/w. Mr.Amit Palkar, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 22nd April 2019.

P.C. :

1] Heard, Ms.Khemka, the learned counsel for the applicant and Mr.Thakare, the learned P.P. for the State. Perused the record of investigation.

2] By an order dated 17th January 2019 the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.

3] The prosecution case in nutshell is that, the applicant along with other accused persons represented the first informant and other witnesses that, the co-accused are having acquaintance with the officers in Mantralaya and the residential premises or the tenements from 10% quota allotted to Chief Minister of Maharashtra will be made available to them at reasonable price. It is also the prosecution case that, the accused persons in the present crime represented witnesses that, the residential premises or the tenements belonging to Maharashtra Housing and Area Development Authority (MHADA) will be made available to them at reasonable price.

4] The first information report mentions that, by making such false representation to the witnesses, the applicant and other accused persons have wrongfully gained an approximate amount Rs.1,86,00,000/-. That despite lapse of substantial period when the applicant and other accused persons failed to either provide the agreed residential premises/tenements or return the amount, the present crime is registered.

5] The learned counsel for the applicant submitted that, the applicant has complied with the said directions and has attended the

Investigating Officer on stipulated dates.

The learned counsel for the applicant submitted that, the allegation against the applicant in the present crime is that, he impersonated some officers from Mantralaya and spoke on telephone with the witnesses pretending that, he is a Government servant and he was speaking from Mantralaya. She submitted that, therefore the custodial interrogation of the applicant is not necessary and he may be granted pre-arrest bail.

6] The record of investigation indicates that, the applicant was earlier arrested in C.R. No.224 of 2016 registered with Andheri Police Station with similar allegations. The applicant has been granted regular bail in the said crime by the Court of competent jurisdiction. The record further indicates that, apart from that, the applicant is also involved in three another crimes of similar nature. The Joint Commissioner of Police (Law and Order), Mumbai, has addressed a communication to the Public Prosecutor, High Court, Mumbai, dated 20th April 2019 intimating that, in the city of Mumbai there are about 32 crimes registered against the accused persons with similar allegations and use of modus-operandi.

7] It *prima-facie* appears that, the applicant herein alongwith co-accused Sanjay Agarkar and Dilip Bhosle are the common names reflecting in other crimes. Apart from the said fact, the allegation that the applicant impersonated himself to be an officer from Mantralaya and spoke on telephone with the witnesses, lured and induced them to part with substantial amount itself is a serious allegation which requires thorough interrogation by the police.

8] In view of the above and after taking into consideration the gravity of the offence and serious allegations against the applicant, this Court is of the considered view that, the applicant does not deserve to be protected by pre-arrest bail.

9] Application is, accordingly, rejected.

[A.S. GADKARI, J.]