

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

ANTICIPATORY BAIL APPLICATION NO. 67 OF 2019

Mahinder Jograj Singh & Anr. ... Applicants

Versus

The State of Maharashtra ... Respondent

Mr. S. V. Pradhan for Applicants.

Mr. Anoop Sharma for Original Complainant.

Ms. S. S. Kaushik, APP for Respondent – State.

Mr. Sachin S. More, Khandeshwar Police Station, Navi Mumbai present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 25, 2019.

P.C. :

. In Crime No. 299 of 2018 for an offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the Applicants are seeking pre-arrest bail. The offence is registered on 29th November 2018.

2. It is the case of the prosecution that the Applicants who deals in second-hand vehicles has accepted an amount of Rs.55,00,000/- from the Complainant with promise to provide a second-hand foreign

made vehicle in good condition like Mercedes. After acceptance of the amount commitment is not honoured. Hence, offence in question.

3. The matter was listed before this Court on 10th January 2019 and this Court heard the learned Counsel for Applicants and learned APP at length, who was assisted by the Investigating Officer. Since the learned Counsel for Applicants on the said date made a statement that Applicants intend to deposit the amount involved in the offence in this Court to show his *bona fides*. This Court accordingly granted time to the Applicant till 18th January 2019 as prayed.

4. On 18th January 2019 the learned Counsel for Applicants on instruction submitted before this Court that an amount of Rs.15,00,000/- will be deposited within a week and balance amount of Rs.40,00,000/- within a period of four weeks thereafter. Accordingly, this Court again adjourned the matter by granting accommodation to the Applicants.

5. Again on 24th January 2019 the matter came up before this Court and during the course of hearing the learned Counsel for Applicants Mr. Ganesh Gole showed photocopy of Demand Draft for an amount of

Rs.15,00,000/- and pursuant to the Court's query he submits that time be granted to take instructions from the Applicant as to whether Applicant is ready and willing to deposit balance amount in this Court.¹ When this Court called upon the learned Counsel for Applicant to produce original Demand Draft for Rs.15.00 Lacs, as this Court was not ready to accept the photocopy of Demand Draft, the learned Counsel prayed for keep back so as to produce Demand Draft. When the matter was called out for the second time, though it was earlier claimed that the Applicant was present in Court, it is informed that Applicant has disappeared from the Court and as such again a request was made by the learned Counsel for Applicants to post the matter for today.

6. Today when the matter is called out, the learned Counsel Mr. Pradhan has appeared for the Applicants and sought time, as according to him he has received case papers today in the morning with an instruction that matter was never argued on merits.

7. The aforesaid observations and orders passed time and again in voluminous terms speaks of the fact that the Applicants were heard and

¹ Pursuant to the speaking to the minutes order dt/-25/2/2019 original order is corrected.

it is only thereafter this Court so as to test *bona fides* of the Applicants, adjourned the matter so as to enable them to deposit the amount which admittedly they have accepted from the Complainant is volunteered by them.

8. This Court do not want to comment on the professional conduct of the learned Counsel. From the above noted conduct of the Applicant in the matter before this Court is not upto the mark. The Applicants have taken the Court orders and the proceedings for a ride and rather tried to mislead the Court.

9. Needless to say that this Court has also appreciated the merits of the case on earlier count.

10. For the aforesaid reasons, considering the conduct of the Applicant and merits of the matter, I do not see any reason to grant relief in favour of the Applicants.

11. As such, the Anticipatory Bail Application fails. Hence the same stands rejected.

(NITIN W. SAMBRE, J.)