

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.322 OF 2019

Mrs.Umesh Vitthal Bhatia, Age 47 years, R/o.First Floor, Prabhu Niwas Building, Vasanji Lalji Road, Near Kandivali (W) Railway Station, Kandivali (W), Mumbai.	Applicant
versus	
The State of Maharashtra	Respondent

AND

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.323 OF 2019

Mrs.Monica Umesh Asharpota, Age 37 years, R/o.First Floor, Prabhu Niwas Building, Vasanji Lalji Road, Near Kandivali (W) Railway Station, Kandivali (W), Mumbai.	Applicant
versus	
The State of Maharashtra	Respondent

Mr.M.V.Thorat for applicants.
Mrs.A.A.Takalkar, APP, for State.
Police Officer is present.

CORAM : PRAKASH D. NAIK, J.

DATE : 11th February 2019

PC :

1. The applicants are apprehending arrest in connection with CR No.I-2 of 2019 registered with Kapurbawdi Police Station for offences under Sections 406, 420 r/w 34 of Indian Penal Code. The FIR was registered on 4th January 2019.

2. The case of complainant is that the complainant and her husband had approached the applicants as they intended to travel to

Europe. The applicants are conducting business as travel agents. The applicant in ABA No.323 of 2019 is in charge of business. The tenor of the complaint indicates that facilities which were promised by the applicants, were not provided to the complainant. It is also alleged that the complainant was required to spend Rs.1,40,000/- for not providing the promises facilities.

3. The contention of the applicant is that the offence of cheating is not made out. At the most it is breach of condition which would invite civil proceedings.

4. Learned counsel also pointed out e-mail dated 14th December 2018 forwarded by Shreeya World DMC (P) Limited to the applicants intimating that facilities to be provided, were being provided to the complainant and her family members except Gandola ride. It is submitted that it is evident that ordinary facilities were to be provided to the travellers, were being provided to them.

5. Learned APP submitted that the FIR makes out offence of cheating. It is submitted that similar complaints are received at Kandivali Police Station and Vile-Parle Police Station. Learned counsel pointed out the letter issued by Kandivali Police Station dated 11th February 2019 in which it is stated that no other case is registered against applicants. Learned APP, however, submits that some applications are received, however, FIR is not registered.

6. Considering the allegations made in the FIRs, I do not think that custodial interrogation is necessary. The grievance is of breach of promise made by applicants to the complainant and family

members. In the circumstances, the applicants can be directed to report the police station and co-operate with the investigation.

7. Hence, I pass following order :

ORDER

- (i) In the event of arrest of applicants in these applications in connection with CR No. I-02 of 2019 registered with Kapurbawdi Police Station, the applicants be released on bail on their furnishing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (ii) The applicants shall report the investigating officer of Kapurbawdi Police Station on 18, 20th and 21st February 2019 between 11 am and 1 pm, and thereafter as and when called for till filing of charge sheet;
- (iii) Both anticipatory bail applications are disposed off.

(PRAKASH D. NAIK, J.)

MST