

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

ANTICIPATORY BAIL APPLICATION NO.621 OF 2019

Tilak Raychand Lodaya

.. Applicant

Vs.

State of Maharashtra

.. Respondent

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Mr.Samrat Thakkar i/b. Mr.Jaideep Thakkar, Advocate for the Applicant.

Mr.S.R. Agarkar, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.
(CHAMBER MATTER)**

DATED : APRIL 9, 2019.

P.C. :

This is second application for anticipatory bail in connection with C.R.No.358 of 2018, registered with Vakola Police Station, Mumbai, for the offences punishable under Sections 420, 465, 467, 468 and 471 of Indian Penal Code ("IPC", for short). First Information Report was lodged by Smt.Minakshi Jain on 21st September, 2018.

2 Applicant had approached this Court by preferring Anticipatory Bail Application No.2313 of 2018, which was rejected by assigning reasons vide order dated 11th December, 2018. Thereafter, applicant has preferred application

before the Sessions Court seeking anticipatory bail, which is rejected by order dated 26th February, 2019. Before approaching this Court, applicant had preferred first application for anticipatory bail before the Sessions Court, which was rejected by order dated 20th October, 2018.

3 Learned advocate for the applicant submits that there is change in circumstances to prefer the present application. It is submitted that prior to registration of FIR, on 21st September, 2018, applicant had lodged a complaint with Mulund Police Station on 8th August, 2018, against Ms. Shradha Pardesi, who had acted as an agent in borrowing the loan for the applicant. It is submitted that the said fact was not pointed out to the Court on the earlier occasion. It is further submitted that the applicant is willing to deposit the amount involved in the crime within a stipulated period of time.

4 Learned APP submitted that there is no change in circumstance. Earlier application has been rejected by assigning reasons. Applicant is involved in the offence of forgery and only on the basis of the submission that he is willing to deposit the amount, relief may not be granted to him. He further submitted that the FIR was registered on 21st September, 2018. His

application was rejected on 28th October, 2018, and, thereafter by this Court on 11th December, 2018. Applicant is not available for any interrogation and his custodial interrogation is necessary considering the offence committed by him. He further submitted that the complaint was lodged by the applicant after knowing that the present complainant has approached the police against him.

5 I have perused the documents. I do not find any change in circumstance. Earlier application was rejected by assigning reasons. Considering the nature of offence, only on the basis of submission that he would deposit the amount and in view of earlier rejection, no relief can be granted to him. The complaint lodged by the applicant dated 8th August, 2018, itself clearly mentions that on 3rd August, 2018, he received summons from Vakola police station in respect to the complaint lodged by Smt.Minakshi Jain. It is, therefore, apparent that the said complaint was lodged after knowing the fact that the present complainant has approached the police. Applicant was beneficiary to the loan borrowed through agent. Considering the aforesaid circumstances, no case for grant of relief in this application is made out and hence, anticipatory bail application is rejected.

(PRAKASH D. NAIK, J.)