

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 747 OF 2019

Ali Mohd. Aziz Madni alias Ali Alana .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Shantanu R. Phanse, Advocate, for the Applicant
Mrs. P. P. Shinde, APP, for the Respondent No. 1 – State
Mr. Sahim D. Ansari, Advocate, for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.

DATE : 03.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 168 of 2019 registered with the Bandra Police Station, Mumbai, for the alleged offences punishable under Sections 384, 420 & 504 of the Indian Penal Code and subsequently, transferred to DCB, CID, Anti extortion cell, Mumbai and re-registered as C. R. No. 20 of 2019.

3. Perused the papers. According to the Complainant – Smt.

Shamsa Rajan, she met the Applicant in the Otters Club. She has stated that the Applicant represented himself to be a businessman, running beef business under the name and style as “Alana Group of Companies”. According to the Complainant, considering their friendship, the Applicant demanded a hand loan of Rs. 50,00,000/- from the Complainant. According to the Complainant, as cash was not available, she handed over her Gold ornaments to the Applicant. Thereafter, the Applicant again demanded an amount of Rs. 10,00,000/- from the Complainant, which she paid from the money that she had saved and which was at home. According to the Complainant, she subsequently learnt that the Applicant had given his false identity and had cheated her. She has further alleged that she did disclose the said fact i. e. of giving of Gold ornaments and money to her husband, pursuant to which, the Applicant started extorting money from her. Pursuant thereto, the aforesaid complaint was lodged by the Complainant.

4. Learned counsel for the Applicant submitted that no such jewellery / money was given by the Complainant to the Applicant. According to the learned counsel, there was some transaction made by the Complainant's husband in Bitcoin with Kamran, and as the

Complainant's husband had suffered loss, the Complainant and her husband were pressurizing the Applicant to ask Kamran, a friend of the Applicant to return the said amount.

5. Learned APP submitted that the Applicant had misrepresented the Complainant that he belonged to the Alana Group of Companies when in fact, he was unemployed for three years and as such, by misrepresenting the Complainant, the Applicant cheated the Complainant.

6. Perused the papers. A perusal of the FIR shows that the Applicant had misrepresented to the Complainant that he belonged to the Alana Group of Companies and as such, took an amount of Rs. 10,00,000/- in cash and jewellery worth Rs. 85,00,000/- from the Complainant. The Complainant has given the photographs of the jewellery which she gave the Applicant. Although, learned counsel for the Applicant denied any such amount or jewellery being given, the statement of Kishor Patil, driver of the Applicant, points to the complicity of the Applicant. The said witness Kishor Patil (driver) has stated that in March, 2018, he had seen the Applicant taking jewellery and Rs. 10,00,000/- from the Complainant. He has also stated that he

was aware of the fact that the Complainant was pressurizing the Applicant to return the said amount and jewellery back to her and as a result of which there would have frequent quarrels between them. The said witness has further stated that in May, 2018, the Complainant had disclosed to him that the Applicant had not returned the jewellery and money to her. Prima facie, it appears that the Applicant had misrepresented and cheated the Complainant. In the facts, custodial interrogation of the Applicant is necessary. Hence, the Application stands rejected.

7. It is made clear, that the observations made herein are prima facie for deciding the aforesaid Application and if an Application for regular bail is filed, the same shall be considered on its own merits, uninfluenced by the observations made in this order.

(REVATI MOHITE DERE, J.)