

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1269 OF 2019**

Santosh Manohar Parab	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rajesh A. More for the Applicants

Ms. Veera Shinde, A.P.P for the Respondent-State

Mr. Milan Desai i/b Mr. T. R. Patel for the Respondent No.2/Intervener

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 17th OCTOBER 2019

P.C.

1 Heard learned counsel for the applicant.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 103 of 2019 registered with the Amboli Police Station, Mumbai, for the alleged offences punishable under Sections 406, 420 r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant submits that the applicant is not concerned with CMA Infraprojects India Pvt. Ltd. and that the applicant is one of the Director of the four companies i.e. CMA Industries Pvt. Ltd.;

CMA Aviation Pvt. Ltd.; CMA Global Films LLP and CMA Hospitals Pvt. Ltd. He submits that the complainant has not paid the applicant any money directly or indirectly and that the same is evident from the bank statements of the applicant. He further submits that the amount has come from CMA Creations India Pvt. Ltd. into the applicant's personal account and that the applicant has returned 3/4th of the amounts to CMA Creations India Pvt. Ltd., of which, Paresh Rao is one of the Director. He submits that the applicant has been granted pre-arrest bail in some of the cases registered against him.

4 Learned A.P.P opposes the application. Learned A.P.P has filed an affidavit of PI Atul Sanap attached to Amboli Police Station. According to the learned A.P.P, the office of all four companies i.e. CMA Industries Pvt. Ltd.; CMA Aviation Pvt. Ltd.; CMA Global Films LLP and CMA Hospitals Pvt. Ltd., of which, the applicant is one of the Director, and CMA Infraprojects India Pvt. Ltd. and other companies run by Paresh Rao, is the same i.e. 403, 4th floor, Morya Classic, Landmark III, Off Link Road, Andheri (West), Mumbai-400 053. She submits that the applicant had induced the complainant to purchase a flat in CMA Infraprojects India Pvt. Ltd., pursuant to which, the complainant paid an amount of Rs. 60,00,000/- from 2015 to CMA Infraprojects India Pvt. Ltd., of which, Paresh Rao was

one of the Director. She submits that all the 13 companies, out of which, the applicant is the Director of 4 companies as stated aforesaid, were closed in the year 2017. She further submits that the statements of the employees show that the applicant was also one of the Director of the said four companies and that he was working along with co-accused-Paresh Rao and other Directors. She submits that the applicant has several cases registered as against him.

5 Perused the papers. About 13 companies were started by Paresh Rao and others. All the 13 companies i.e. CMA Creations India Pvt. Ltd., CMA Infraprojects India Pvt. Ltd., CMA Medient Pvt. Ltd., CMA Resources and Advisory India Pvt. Ltd., Genesis Pharmaceuticals India Ltd., CMA Lifestyle India Pvt. Ltd., CMA Industries Pvt. Ltd., CMA Agro Process India Pvt. Ltd., CMA Aviation Pvt. Ltd., CMA Hospitals Pvt. Ltd., CMA International Pvt. Ltd., CMA Global Films LLP, have the same address i.e. 403, 4th floor, Morya Classic, Landmark III, Off Link Road, Andheri West, Mumbai-400 053. Out of the 13 companies, as noted above, the applicant was a Director of four companies i.e. CMA Industries Pvt. Ltd.; CMA Aviation Pvt. Ltd.; CMA Global Films LLP and CMA Hospitals Pvt. Ltd., having address as stated aforesaid. It appears that the applicant became Director of the said companies in the year 2015. According to the

complainant, the applicant represented to the complainant that there were three flats which belonged to CMA Infraprojects India Pvt. Ltd. and induced the complainant to purchase the same. It is pertinent to note, that the said representation was made when admittedly all the three flats were under liquidation before the Delhi High Court. Pursuant to the representation made by the applicant, the complainant, in all, paid a sum of Rs. 60,00,000/- from time to time, starting 2015. When the complainant realized that he was cheated and that the said flats were under liquidation, the CMA Infraprojects India Pvt. Ltd. returned an amount of Rs. 18,00,000/- to the complainant. As per the records, the Directors of the CMA Infraprojects India Pvt. Ltd. were Seema Paresh Rao and Renu Prakash Kulkarni. It appears that the applicant had misrepresented to the complainant, pursuant to which, the complainant was induced into parting with such a huge amount in 3 flats, which were already under liquidation. The applicant has similar cases registered as against him. It is evident that the applicant, in connivance with other co-accused, had cheated and committed the aforesaid offences.

6 Considering the aforesaid, custodial interrogation of the applicant is warranted. Accordingly, the application is rejected.

7 It is made clear that if an application for regular bail is filed, the same shall be decided by the learned Judge, on its own merits, uninfluenced by the observations made in this order.

REVATI MOHITE DERE, J.