

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1547 OF 2019

Devendra Pratap Singh S/o. Parasnath Singh .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr. Sanjeev Sawant a/w Mr. B. K. Barve, Mr. Sandeep Barve,
Ms Laxmi Ingale i/b. B. K. Barve & Co., Advocate, for the Applicant
Mr. A. R. Kapadnis, APP, for the Respondent No. 1 – State
Mr. Ashish Dubey, Advocate, for the Intervenor
Mr. Mohite, PSI, Samatanagar Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 519 of 2018 registered with the Samatanagar Police Station, Mumbai, for the alleged offence punishable under Section 420 r/w 34 of the Indian Penal Code.

3. Learned counsel for the Applicant submits that the allegations essentially are against the Applicant's brother-in-law –

Manoj Singh Thakur and not against the Applicant. He submits that it is Manoj Singh who had accepted the amount of Rs. 45,00,000/- and it is Manoj Singh, who had given a cheque for the said amount, which was subsequently dishonoured, pursuant to which, the aforesaid complaint was lodged. Learned counsel for the Applicant states that identically placed co-accused - Pratap Raghupati Singh and Manoj Singh's wife – Savitri Manoj Singh have been granted pre-arrest bail.

4. Learned APP as well as learned counsel for the Intervenor opposed the Application.

5. Perused the papers. According to the Complainant – Mr. Kamlesh Chandrakant Kadam, the Applicant, Manoj Singh, his wife – Savitri and co-accused – Tej Thakur cheated him. The Complainant – Mr. Kamlesh Kadam, owner of the Saloon has alleged that Manoj Singh used to visit his Saloon often. He has stated that Manoj Singh told him that he was a partner of Thakur Builders and that if the Complainant wanted, he would get a flat at low price at Tata Power, Borivali (E), Mumbai, belonging to MHADA. Manoj Singh is alleged to have told the Complainant that he would have to pay Rs. 60,00,000/- in cash and by pay order. Manoj Singh is further alleged to have told the

Complainant that the Applicant is a retired MHADA officer having several businesses and that the Applicant is also the Vice Chairman of Labour Commission as well as an Advisor of the Chemical and Steel Companies and has several political contacts. The Complainant has in detail set out how the accused misrepresented to him and how he paid money to Manoj Singh.

6. As far as the Applicant is concerned, the Complainant has stated that in the last week of May, 2015, Manoj Singh again met him and demanded the third instalment. According to the Complainant, he told Manoj Singh that he did not have money and therefore, Manoj Singh called him in front of the MHADA office in the second week of June, 2015, where Manoj Singh introduced the Applicant to the Complainant, as his brother-in-law and a retired MHADA officer. The Complainant has alleged that Manoj Singh told him that the Applicant was knowing MHADA officers and that he will ensure that possession of the flat is given to the Complainant at the earliest. Thus, the Complainant gave Rs. 10,00,000/- to Manoj Singh. According to the Complainant, when he asked the Applicant, when the flat would be given, the Applicant asked him to wait and went inside the MHADA office along with Manoj Singh and others and returned within 20 – 30

minutes and told him that his work was done. The Complainant has specifically stated the aforesaid in his complaint. Considering the nature of allegations qua the Applicant, custodial interrogation of the Applicant is warranted. Accordingly, the Application is rejected.

7. It is made clear that the observations made herein are prima facie for deciding the aforesaid application. 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.)