

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1734 OF 2019**

Ajay Ramsevak Singh	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Mr. Abhishek R. Singh for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent No.1-State

Mr. Arun Berry for the Respondent No. 2

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 4th 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. 484 of 2019 registered with the Kolsewadi Police Station, Kalyan, District Thane, for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

3 Learned counsel for the applicant states that the applicant and the complainant are related and partners of a construction company by the name 'M/s. Shivshambhu Construction Company'. He submits that in the

year 1996, a ground plus three storeyed chawl was constructed by the said company and possession was handed over to the chawl/room purchasers. He further submits that the allegation of the complainant that additional six rooms were constructed in 2018, is false and baseless, inasmuch as, in the year 2000, the said chawls/rooms were constructed. He submits that there are documents to that effect and states that the applicant was ready to produce the same before the Investigating Officer.

4 Learned A.P.P opposes the application. He submits that the applicant has sold five out of the six rooms to various persons, after executing a Sale Deed. He submits that out of the six rooms, one room has been sold by the applicant's wife. According to the learned A.P.P, the applicant has stated in the said Sale Deed that the rooms were purchased from one Shivram Mishra. He submits that when Shivram's statement was recorded, it was found that no rooms were purchased from Shivram. Shivram, in his statement, has stated that he had not sold the rooms to the applicant. He further submits that there are 14 cases registered as against the applicant, including cases under the MRTP Act. Learned A.P.P states that the applicant has pleaded guilty in those cases registered under the MRTP Act. He further submits that the six rooms which were sold by the applicant, were without authorization and illegal and that the applicant had

accepted money from all the said six persons to the tune of Rs. 22,05,000/-. There is a dispute between the parties as to whether the applicant was the partner of M/s. Shiv Shambhu Construction or not. According to the learned counsel for the complainant, at no point of time, the applicant was a partner of 'M/s. Shiv Shambhu Construction', whereas, according to the applicant, he was a partner with M/s. Shiv Shambhu Construction till 2014-2015.

5 Perused the papers. A perusal of the room purchasers' statements show that applicant had misrepresented to them that the rooms belong to him and that he had purchased the said rooms from Shivram Mishra and thereafter, entered into an Agreement with the said room purchasers. It appears that the construction of the said six rooms is illegal. The applicant has, by inducing the said room purchasers, taken money to the tune of Rs. 22,00,000/-, in cash. Some of the Agreements are registered and some are notarized. The statements of the witnesses, who had purchased the said rooms, clearly show the complicity of the applicant in the offence.

6 In the facts, custodial interrogation of the applicant is necessary. Accordingly, the application is rejected.

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

REVATI MOHITE DERE, J.