

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1852 OF 2019

Mohammad Mastan Sayyed	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Rohan Mahadik I/b The Juris Partners, for the Applicant.
Mr. V.V. Gangurde, A.P.P for the Respondent - State.

***CORAM : REVATI MOHITE DERE, J.
DATE : 23rd August, 2019***

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 25 of 2019, registered with the Powai Police Station, Mumbai, for the alleged offences punishable under Sections 406 and 420 of the Indian Penal Code.
3. Perused the papers. According to the prosecution, the complainant-Smt. Ratna Kamble's husband expired in 2012, pursuant to

which, she had to leave the official premises; and that after the demise of her husband and after leaving the official quarters, the complainant was in search of the room. The complainant had stated that she met one lady Kamal Gade and told her that she was in need of a room, pursuant to which, Kamal Gade introduced her to Mohammad Mastan Sayyed (applicant). She has stated that the applicant disclosed to her that he is in construction business and that he is constructing buildings at Ghansoli, Vasai and Tarapur. She has stated that as she was in need of premises/room, the applicant told her that he would give her a flat at low cost. She has stated that pursuant thereto, she paid the applicant during the period 2013 to 2014 a total sum of Rs.7,90,000/-. She has further stated that the applicant, on stamp paper, stated that he would give her a room. She has stated that the applicant failed to give her a room at Vasai and the applicant, thereafter, started giving evasive answers. She has stated that the applicant neither gave her the room nor returned her money and thereafter, stopped taking her calls. She has stated that the applicant gave her a cheque of Rs.5,90,000/- which also was dishonoured. She has further stated that several people have been cheated by the applicant. Learned counsel for the applicant states that the cheque that was given, was a blank

cheque and in fact, it was the complainant, who had given the applicant a loan, pursuant to which the said blank cheque was given. Learned APP, on instructions, states that the applicant has cheated several other persons and that there are statements to that effect. Having regard to what is stated aforesaid, custodial interrogation is warranted.

4. It is made clear that the observations made herein are *prima-facie*, for the purpose of deciding this application. If an application for regular bail is filed, the learned Judge to consider the said application on its own merits.

5. Accordingly, the application is rejected and disposed of.

(REVATI MOHITE DERE, J.)