IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2360 OF 2019

Ashwini A. Prasad ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Sanjay Gidh for the Applicant.
Mr. Y. M. Nakhawa, APP for the Respondent – State.

CORAM : SANDEEP K. SHINDE, J.

DATE : 4TH NOVEMBER, 2019

P. C. :

Heard the learned counsel for the applicant and learned APP.

2. The applicant is apprehending arrest in Crime No. 226 of 2019 registered under Sections 420, 465, 467, 471 read with Section 34 of the Indian Penal Code with the Oshiwara Police Station at

Mumbai, on 03.05.2018 on the complaint of Mrs. Sangeeta Jhunjhunwala. In all there are 9 accused out of which 4 are arrested and are in custody.

3. The complainant had mortgaged two flats, with Dena Bank and availed loan of Rs.2,94,00,000/-. Original title deeds were deposited with the Dena Bank. For some reasons complainant could not pay equated monthly installment regularly. It appears, one Rajesh Dhanukar, approached the complainant and represented that one Rakesh Chakraborty is willing to purchase the flat for the consideration of Rs.6,25,00,000/-. The complainant was pursuaded to execute the sale deed with the promise that the intending purchaser Mr.Chakraborty would then avail the loan from a Fultron Bank, Powai and pay the agreed consideration to her. It appears the complainant executed the sale deed on 28.04.2016 qua, both the flats, in favour of Mr. Chakraborty. It further appears the, Fultron Bank, sanctioned the loan and issued a cheque in the name of the complainant. The record further shows the cheque was

not handed over to the complainant but the present applicant had opened a bank account in the UCO Bank in the name of the complainant by forging documents. The evidence collected by the police shows the said cheque was deposited in the said bogus/fake account in the UCO Bank. The evidence also shows the PANCARD of the complainant was forged is as much as it bears the photographs of the present applicant. Applicant thus held fictitious identity of complaint, committed impersonation and siphoned of money.

4. Thus, taking into consideration the material placed on record I am not inclined to grant relief of pre-arrest. Accordingly the application is rejected.

(SANDEEP K. SHINDE, J.)