

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

ANTICIPATORY BAIL APPLICATION NO. 2257 OF 2018

Akshay Premraj Mohnot

... Applicant

Vs.

The State of Maharashtra

... Respondent

...

Mr. R.N. Gaonkar I/by Mr. Ashok Singh & Mr. Chetan Pandya for the applicant.

Mr. S.R. Agarkar, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 21st FEBRUARY, 2019.

P.C.

1. Applicant is seeking anticipatory bail in connection with C.R. No. I-426 of 2017 registered with Powai Police Station for the offences punishable under Section 420 read with 34 of Indian Penal Code. The First Information Report was lodged on 9th September, 2017.

2. It is alleged that complainant was in need of finance. The complainant came in contact with accused No.1. Complainant represented that for obtaining finance he is required to furnish security in the form of immovable property and for that he has to purchase the property. Further representations were made that

property is available and with the aid of applicant and estate agent the property could be purchased. Thereafter the applicant, informant and accused No.1 had visited the property. The complainant was induced to part an amount of Rs.1,06,50,000/-. However, inspite of parting the amount, the property was not purchased and hence the complainant was deceived of the said amount.

3. Investigation proceeded. In pursuant to the registration of the First Information Report, the notice under Section 41-A was issued. Applicant had preferred an application for anticipatory bail which was rejected on 3rd October, 2018.

4. The contention of the applicant is that he was concerned with alleged transaction with the informant. He was acting as a Chartered Accountant and carrying activities such as project report, valuation report, etc. Entire amount is parted to the accused No.1. Applicant was given some amount towards services provided by him and for getting valuation report etc. First Information Report indicates that false representations were made by other accused and amount as also part to accused No.1. Correspondence exchanged between the accused No.1 and informant indicate that applicant was not concerned with the

transaction relating to purchase of property.

5. Learned APP submitted that there is sufficient evidence against the applicant. If the applicant was acting as a Chartered Accountant he had no reason to accompany the informant and accused No.1 at the place where property was situated. The informant has stated that the representations were made by the applicant and the accused No.1. Some amount was transferred to the applicant by the accused No.1. Custodial interrogation of the applicant is necessary to unearth the truth.

6. On perusal of the First Information Report, it is apparent that informant was initially introduced to accused No.1 who was supposed to provide loan through financial institution to the complainant. The representations were made to him by the said accused with regards to purchase of property and for obtaining loan as security. The complaint also indicate that amount of Rs.1,06,50,000/- was handed over to accused No.1 and not to the applicant. Apparently, the applicant had indeed accompanied the complainant and the accused No.1 for negotiation with regards to immovable property which was to be purchased. E-mail exchanged between the accused No.1 and complainant however indicate that accused No.1 informed the complainant that the

transaction relating to purchase of property between the accused No.1 and the complainant and that the applicant is not concerned with the same. Complainant should deal with the accused No.1 and not with the applicant. It appears that some amount has been allegedly parted to the applicant. However, the act of inducing complainant by making false representation has not been attributed to applicant. The accused No.1 was arrested and granted bail. Allegations attributed to the applicant do not warrant custodial interrogation. In view of this anticipatory bail can be granted to the applicant.

ORDER

- i. Anticipatory Bail Application is allowed;
- ii. In the event of arrest of applicant in connection with C.R. No.426 of 2018 registered with Powai Police Station, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to the Investigating Officer of the concerned police station as and when called for till filing of chargesheet;
- iv. Applicant shall provide details of his residential address to the Investigating Officer;

- v. Applicant shall not tamper with the evidence;
- vi. Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)