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

ANTICIPATORY BAIL APPLICATION NO.2604 OF 2018

Rahul Rajiv Haseem @ Rahul Sharma

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. J.S. Yadav for the Applicant.

Mr.Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 11th April 2019.

P.C.:

1] This an applicaton under Section 438 of Cr. P.C for pre-arrest bail in CR No.I-427 of 2018 dated 18.10.2018 registered with Mahatma Phule Chowk Police Station, Kalyan, District-Thane under Section 420 read 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Ms. Rashmi C. Goyal. It is the prosecution case that, the first informant after reading pamphlets published by Phoenix Developers and by reading their advertisement about sale of self-contained residential premises admeasuring 350 sq.ft at village

Bapgaon, Kalyan (West) for a consideration of Rs.3,50,000/-, visited the site. She approached the owner of the said firm namely Shatrughna Madhavi. The owner Shri Madhavi the co-accused Rahul Sharma and the applicant herein painted rosy picture of their project of residential accommodation before the informant. The informant therefore decided to purchase a residential premises admesuring 500 sq.ft and from time to time paid total amount of Rs.5,25,000/- to Shatrughna Madhavi and the applicant. The said transaction took place between 26.9.2018 to 22.10.2018. It was subsequently revealed to the informant that, the applicant and the co-accused by making misrepresentation to her, induced her to part with the said amount and subsequently neither gave her possession of the agreed premises nor returned the amount. It is the further prosecution case that, when the informant demanded her hard earned money back, the said Shatrughna Madhavi and the applicant threatened her with dire-consequences. It is alleged that, the applicant told her that, he is politically well-connected and the police will not do anything to them. In the premise the first information report is lodged.

4] The record indicates that, an amount approximately of Rs.1,50,000/- has been deposited by the informant in the account of the

applicant. The applicant is the associate of co-accused Shatrughna Madhavi in the said firm namely Phoenix Developers. That the applicant and the accused Shatrughna Madhavi by luring the gullible flat purchasers, who were in need of residential accommodation, painted rosy pictures before them and gave assurance of providing residential premises to them, induced them to part with their hard earned money and thereafter defalcated it.

The record of investigation indicates that, there are about ten other witnesses who have been duped by the accused persons by adopting same modus operandi. As per the Investigating Agency the amount defalcated is about Rs.30.00 lakhs in the present crime. The said amount has been accepted by the accused from the gullible flat purchasers who hail from the lower economic strata of the society and the said amount is their life-time savings.

5] It is to be noted here that, as observed by this Court, in the Districts of Thane and Palghar, similar types of crimes are on rise, wherein the poor gullible people from lower economic strata of the society have been induced to part with their hard earned money by representing them with false assurances that, they will get residential accommodation at a

reasonable rate and ultimately are being duped by the accused persons.

6] The allegations against the applicant are undoubtedly serious in nature and requires through investigation by the police. After taking into consideration the gravity of offence and serious allegations against the applicant, this Court is of the view that, the applicant does not deserve to be protected by pre-arrest bail.

7] Application is accordingly rejected.

(A.S.GADKARI, J.)