

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2693 OF 2018

1. Umesh Chandrappa Bangera,
Age 49 years, Occ.Business;

2. Sau.Anita Umesh Bangera, Age 40 years,
Occ.Housewife, r/o.Flat No.36, B-Wing,
3rd Floor, Avanti Co-op.Hsg.Society,
Oka Baug, In front of Nana Nani Park,
Kalyan (W), District Thane.

Applicants

versus

The State of Maharashtra

Respondents

Mr.J.H.Oak for applicants.

Mr.R.M.Pethe, APP, for State.

Mr.C.D.Koli, API, Mahatma Phule Chowk Police Station, Kalyan,
present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd January 2019

PC :

1. This is an application for anticipatory bail in CR No.I-102 of 2018 registered with Mahatma Phule Chowk Police Station, Kalyan for offences under Sections 420, 406, 504, 506 r/w 34 of Indian Penal Code. The grievance of the complainant is that the applicants had induced him to part with amount for arranging foreign trip and towards purchase of property. It is alleged that Rs.7,60,000/- was paid to the accused.

2. It is the contention of advocate for applicants that initially complaint was lodged with Khadakpada Police Station and inquiry was conducted. The said complaint was lodged only against

applicant no.1 and not against applicant no.2. The applicant no.1 sought interim protection under Section 438 which was granted. Subsequently the present FIR has been registered against both the applicants. It is submitted that there is delay in registering the FIR. It is submitted that the complainant has suppressed the fact that on the date of lodging the FIR, he had already initiated private complaint which was subsequently withdrawn. The dispute is purely of civil nature. There is no evidence of parting cash amount as alleged by the complainant.

3. Learned APP pointed out that the cheques amounting to Rs.2,10,000/- were given to the accused in respect to the subject transactions. It is further submitted that the statements of two witnesses were recorded who also referred to deceit played by the applicants as against them. The said statements also refer to parting of amounts towards tour and sale of vehicle. The Sessions Court has rejected the application for anticipatory bail. Apparently the cheques were issued to the accused in respect to the transactions. The allegation of complainant is that cash of Rs.5,00,000/- was also paid to the accused. The applicant no.2 is wife of applicant no.1.

4. It appears that initially the complaint was filed with Khadakpada Police Station against applicant no.1. Applicant no.2 is lady. Considering the nature of evidence collected by police and the allegations spelt out in the FIR, no case for grant of bail is made out as against applicant no.1. However, applicant no.2 need not be subjected to custodial interrogation and protection u/s 438 of Cr.P.C can be granted.

5. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.2693 of 2018 is allowed and disposed off;
- (ii) The application for anticipatory bail as against applicant no.1 is rejected;
- (iii) In the event of arrest of applicant no.2 herein in connection with CR No.I-102 of 2018 registered with Mahatma Phule Chowk Police Station, Kalyan, she be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iv) The applicant no.2 shall report the investigating officer of Mahatma Phule Chowk Police Station as and when called for.

(PRAKASH D. NAIK, J.)

MST