

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.506 OF 2020

Mahendra Nathmal Bokadia	Applicant
versus	
The State of Maharashtra	Respondent

Mr.H.S.Venegaonkar i/by Shrinivas C. Singh for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.Bajirao Naik, API & IO, Kurar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 12th March 2020

PC :

1. This is an application for anticipatory bail in CR No.64 of 2020 registered with Kurar Police Station, Malad East, Mumbai for offences under Section 420 r/w 34 of Indian Penal Code.

2. The case of prosecution is that FIR was lodged by one Pradip Maurya on 2nd February 2020 alleging that the complainant and several other investors have invested money for purchasing premises. The amount was paid. Representations were made by co-accused Akhilesh Singh as well as applicant that houses would be provided to the purchasers. The first informant has made reference to about 15 such persons who had parted Rs.52.51 lakh. The applicant had preferred application for anticipatory bail before Sessions Court, which has been rejected.

3. Learned counsel for applicant submitted that the applicant was not concerned with the partnership business of co-accused. The applicant was not partner which is evident from the documents tendered by applicant. The applicant himself is victim and he had invested money. The applicant had lodged complaint against accused on 6th February 2020. It is submitted that although reference of applicant is made by the purchasers, however, except Rs.27,000/-, the applicant had not accepted any amount. Custodial interrogation of the applicant is not necessary.

4. Learned APP submitted that involvement of applicant is disclosed through statements of complainant and various other purchasers. The applicant had participated in the meeting and assured purchasers that they would be provided houses and induced them to invest their amount. There are about 81 aggrieved persons whose statements are recorded and around Rs.2,85,38,000/- is involved in these transactions.

5. I have perused the FIR and investigation papers. During the course of investigation statements of witnesses other than complainant were recorded, which disclose that applicant was present in the meetings held with the investors and representations were made by applicant to them that houses would be provided to them. It is evident that the applicant had assured the aggrieved persons that houses would be provided to them. The offence is of serious nature. The co-accused is arrested. It is the contention of applicant that even he had invested money. He cannot be absolved of the offence. About 81 persons were deceived by the accused and

huge amount is involved in the crime. Hence, no case for grant of anticipatory bail is made out. Criminal Anticipatory Bail Application No.506 of 2020 is rejected.

(PRAKASH D. NAIK, J.)

MST