

3] Submissions of Dr. Uday Warunjikar, learned Counsel for the Applicants are, in the Account of Applicant No.2 an amount of Rs 1 lakh was received and that being so, to demonstrate bonafides, Applicants have deposited amount of Rs 2 lakhs in this Court. His further contentions are, Applicants are duped by the partner Mr. Santosh whose role, till date, is neither investigated nor is he arrested. It is claimed that said partner having practiced fraud on the Applicants, Applicants are made scapegoat.

4] Learned APP, based on the investigation carried out till this date, would oppose the prayer for grant of pre-arrest bail, as it is claimed that there is enough material on record to infer prima facie involvement of the Applicants in the offence of cheating.

5] Considered submissions.

6] The receipt of an amount of Rs 4, 85,000/- from the complainant towards consideration of a Block/Shop No.1 in the building developed by the Firm of which Applicants are partners is not in dispute. Applicants have received part of the amount which was paid by the

complainant. The investigation further depicts that the said shop which was agreed to be sold to the complainant was sold on agreement to third party - Urmila Gupta for valid consideration. As such, it is apparent that same said Shop/Block is sold to two persons.

7] In the aforesaid backdrop, it appears that Applicants have received consideration amount and cheated the complainant. There is sufficient material to infer prima facie involvement of the Applicants in the offence in question. As such, no case for pre-arrest bail is made out. Application stands rejected.

8] The Investigating Officer shall collect the said amount deposited by the Applicants in this Court and disposal of the same shall be subject to outcome of the trial.

9] Ad-interim protection, as prayed, is extended for a period of two weeks from today.

(NITIN W. SAMBRE, J.)