

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.702 OF 2021

Mrz.Mumtaz Shoeb Shaik and another	Applicants
versus	
The State of Maharashtra	Responent

Msw.Saima Ansari for applicant.
Mr.Y.M.Nakhwa, APP, for State.
Mr.Sanjeev S. Hariakar for intervenor.

CORAM : PRAKASH D. NAIK, J.

DATE : 19th March 2021

PC :

1. This is an application for anticipatory bail in CR No.55 of 2021 registered with Naya Nagar Police Station for offences under Section 420 r/w 34 of Indian Penal Code.

Manish
S. Thatte

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Manish S. Thatte
Date: 2021.03.22
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2. According to the complainant, in November-2019, the applicants had represented to the complainant that they intend to sell Flat No.103, Aadarsh Building, Puja Nagar, Mira Road which in the name of applicant no.1. The consideration was finalized as Rs.40 lakh. The first informant paid Rs.14.75 lakh and Rs.11 lakh. The total amount parted by the complainant is Rs.25.75 lakh. However, in spite of making payment the promise was not fulfilled. The applicant had also handed over cheque towards returning amount for R.25.75 lakh. The complainant deposited the said cheque. It was dishonoured with remarks "stop payment".

3. Learned counsel for applicant submitted that the applicant has received only Rs.1 lakh. The custodial interrogation of the applicants is not necessary. The applicants had filed complaint about theft of cheque book.

4. Learned APP and learned counsel for intervenor submit that substantial amount was paid by cheques. Towards refund of amount the complainants had issued cheque of Rs.25.75 lakh which was dishonoured. The applicants were convicted for offence u/s 420 of IPC. Apart from that there are two other cases registered against applicants vide CR No.349 of 2020 for offences u/s.420 r/w 34 and CR No.56/2009 for offences u/s.408, 465, 468,, 471 r/w 34 of IPC.

5. On perusal of the FIR it can be seen that specific role has been assigned to the applicant. The applicant was induced to part with amount by way of cheques and cash. The accused had also issued cheque subsequently towards return of the amount which was dishonoured with remark stop payment. The complaint of theft of cheque book was lodged belatedly. In the circumstances, no case for grant of anticipatory bail is made out. Hence, the application is rejected.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST