

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

BAIL APPLICATION NO. 2067 OF 2021

Rohan Arvind Raul ... Applicant

Versus

The State of Maharashtra ... Respondent

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Ms. Sandhya Nanavare, Advocate for the Applicant.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 25th JUNE, 2021

PER COURT:

1. The applicant is arrested on 4th February, 2021 in connection with C.R. No. 65 of 2021 registered with Kasturba Marg Police Station, Borivali, Mumbai for offences under Sections 465, 468, 471, 474, 201 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that the complainant is a retired person. It was represented to him by the co-accused that the flat is available at concessional rate in MHADA. The price of the flat is around Rs. 92,80,000/-. The flat was shown to him. The complainant was instructed to deposit the amount towards purchase of the flat. On instructions from the co-accused, the complainant had transferred the amount of Rs. 17,80,000/- and Rs.14,70,000/- to the

account of Raul Travels. The complainant realised that he was deceived by the co-accused. The flat was not allotted to him. Subsequently, the amount of Rs.46,80,000/- was transferred to the account of complainant by the applicant. Subsequently, the amount of Rs.16,00,000/- was returned to the complainant by way of pay order dated 15th December, 2020.

3. Learned counsel for the applicant submitted that, undisputedly the applicant had never met the complainant. No false representations were made by him. The amount has been transferred to the complainant. The amount of Rs.16,00,000/- is also returned to the complainant by way of D.D. Co-accused Anjaya Anthati has been granted bail.

4. Learned APP submitted that the complainant was induced to part with the amount. He was deceived by the accused.

5. It is not the case of the prosecution that the applicant has at any point of time met the complainant and induced him to purchase the flat or gave any false assurance. The amount has been transferred to the complainant. Investigation is completed and the charge-sheet is filed. The applicant is in custody from 4th February, 2021. Further custody of the applicant is not necessary. Hence, case for grant of bail is made out.

ORDER

- (i) Criminal Bail Application No. 2067 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 65 of 2021 registered with Kasturba Marg Police Station, Borivali, Mumbai on executing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report concerned Police Station once in three month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. till further order;
- (iv) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- (v) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)