

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

ANTICIPATORY BAIL APPLICATION NO. 1575 OF 2021

Poras Viraf Jokhi	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION (ST) NO. 10384 OF 2021**

Preeti Vijaykumar Vaidya	 Intervenor
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In the matter between:

Poras Viraf Jokhi	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Vasant B. Ghorpade for Applicant.
Mr. Amit A. Palkar, APP for State/Respondent.
Mr. Karansingh B. Rajput for Intervenor.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th JULY, 2021
(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 230 of 2021 registered at Manikpur Police Station, Taluka Vasasi, Dist. Thane, on 16/06/2021, under sections 420,

170, 354, 509, 323, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Vasant Ghorpade, learned counsel for the applicant, Shri. Karansingh Rajput, learned counsel for the Intervenor and Shri. Amit Palkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Preeti Vaidya on 16/06/2021. She has stated that, she was residing separately from her husband. She was in the business of tourism. In October 2017, one of her classmates was to leave for U.S.A. for his job, therefore, she along with other friends and the present applicant had gone to the Airport. The applicant was from the same group of friends. On the next day, he contacted the informant on mobile phone and asked her to meet him near her building. He told the informant that, he was in a position to procure bullet motorcycles for sale from Army quota. The informant decided to give one bullet two wheeler to her brother as a surprised gift. The applicant came to her house on 20/10/2017. He told her mother that, he was a big contractor in Municipal Corporation, Water supply department. At that time, informant

expressed her desire to buy a motorcycle for her brother. On 25/10/2017 he came to her house and told her that, he had one bullet motorcycle for which she had to pay Rs.2,10,000/-. The informant paid him Rs.2,10,000/- between October 2017 to January 2018, but he did not deliver that two wheeler. After that, he also induced her to pay Rs.10,70,000/- for purchasing his own Innova car. The informant paid him that money in February 2018, but he did not deliver that car. In October 2019, the informant went to his house as the applicant called her. The informant was under impression that the applicant wanted to repay the money but when she went there the applicant showed her a gun and threatened her. In October 2019, the informant's father was ill. The applicant called the informant to his house. Even at that time, the informant went to his house. At that time, no one else was in his house and he tried to outrage her modesty and also beat her with fist. Thereafter, he threatened her telephonically. On 12/06/2021 and on 13/06/2021, he again threatened her. On this basis, the F.I.R. is lodged. According to her, she was cheated for Rs.13,10,000/-.

4. Learned counsel for the applicant submitted that, entire story in the F.I.R. is false. The applicant is needlessly harassed. The applicant after being released on bail in the case instituted by the informant's mother, this false F.I.R. is lodged to pressurize him.

5. Learned APP submitted that the applicant is using false identity cards and he is representing himself to be a police officer. Therefore, considering this situation, anticipatory bail should not be granted to him.

6. Learned counsel for the intervenor vehemently opposed this application. He submitted that the informant is not the only victim, but there are many other victims. The modus operandi used by the applicant is similar in cheating all these victims, therefore, he does not deserve protection of anticipatory bail. He submitted that, the subject matter of the F.I.R. lodged by the informant's mother is different and, therefore, there was no impediment in causing arrest of the applicant in the present F.I.R.

7. I have considered these submissions. Apart from the allegations in the present F.I.R., there is an important aspect of

another F.I.R. lodged by the informant's mother vide C.R.No. 202 of 2021 at Manikpur police station on 27/05/2021 under sections 170, 420, 467 and 468 of IPC. The said F.I.R. mentions that the informant therein Ratnaprabha Vaidya was knowing the applicant through her daughter. The applicant had represented to her that, he was a police officer. He requested for financial help. He submitted that, he would return double the amount. He represented that, he was to get a big contract in the Municipal Corporation. Therefore, Ratnaprabha Vaidya gave him an amount of Rs.5 lakhs and ornaments worth Rs.5 lakhs. After a few months, the applicant gave cheques to Ratnaprabha, but the cheques were dishonoured. The applicant threatened her. The F.I.R. lodged by Ratnaprabha mentions that, her daughter (first informant in the present case) had given Rs.13,20,000/- to the applicant to help him in his business, but that amount was also not returned and instead she was also threatened. On this basis that F.I.R. was lodged.

8. Perusal of the averments in that F.I.R. indicate following things :-

- i) The F.I.R. makes a reference to the amount of Rs.13,20,000/- given by the first informant in this case i.e. Preeti Vaidya to the applicant.
- ii) The F.I.R. lodged by Ratnaprabha Vaidya shows that, Preeti had given that money to help the applicant in his business. There is no reference to the allegations that the money was taken by the applicant to sell a two wheeler and a car.
- iii) The F.I.R. lodged by Ratnaprabha thus cover allegations of misappropriation of Rs.13,20,000/- given by Preeti Vaidya to the applicant.
- iv) The applicant was arrested in connection with C.R.No. 202 of 2021 registered at the instance of Ratnaprabha Vaidya. He was released on bail, therefore, from the allegations, it does appear that the F.I.R. lodged by Preeti Vaidya is in the nature of second F.I.R. based on the same allegations.

The applicant was arrested in the earlier F.I.R. and was released on bail. Therefore, on the same set of allegations, his custodial interrogation will not be permissible.

9. Even otherwise, there are allegations in the F.I.R. lodged by Ratnaprabha Vaidya that the applicant had falsely represented that he was a police officer and that he was to get a contract from the Municipal Corporation. Even this allegation was

repeated in the F.I.R. lodged by Preeti Vaidya. Therefore, these allegations are also repeated, for which, the applicant was arrested, interrogated and released on bail. As far as, contention of Shri. Rajput that; there are many victims who were similarly cheated; is concerned, those victims can take recourse to their own legal remedies. Today I am considering the F.I.R. lodged by Preeti Vaidya. As discussed earlier, allegations are substantially covered by the F.I.R. lodged by her mother vide C.R.No.202 of 2021 of Manikpur police station, for which, the competent investigating agency had sufficient opportunity to investigate into those allegations. In this view of the matter, applicant's custodial interrogation in this F.I.R. which is in the nature of second F.I.R. is not permissible and the applicant deserves to be protected by an order of anticipatory bail. It is made clear that, if there are many victims they are free to take recourse to there own legal remedies available to them.

10. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 230 of 2021 registered at Manikpur

Police Station, Taluka Vasasi, Dist. Thane, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.
- (iv) In view of disposal of anticipatory bail application, nothing survives in the Interim application, therefore, Interim Application (ST) No.10384 of 2021 also stands disposed of accordingly.

(SARANG V. KOTWAL, J.)