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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2117 OF 2021

SHARAD SUKHDEO SONAWANEAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

WITH

INTERIM APPLICATION NO. 2361 OF 2021

IN

ANTICIPATORY BAIL APPLICATION NO. 2117 OF 2021

MANISHA KISHOR HUMBREAPPLICANT

IN THE MATTER BETWEEN

SHARAD SUKHDEO SONAWANEAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

Mr. Suresh Jadhav i/b Hanumanta Laxmipalli advocate for the Applicant

Mrs. J. S. Lohokare APP for the State

Mr. V. N. Sagare for intervenor

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 18, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 592/2021 registered with Powai Police Station for Offences punishable under Sections 420, 465, 468 and 471 of the Indian Penal Code.

2] Applicant assured allotment of flat from the Chief Minister's quota with the Maharashtra Housing and Area Development Authority (Hereinafter referred to as 'MHADA' for the sake of brevity) and accepted substantial amount in cash and cheque.

3] It appears that this Court granted Ad-interim protection in favour of the applicant vide order dated 29/09/2021 as the applicant has handed over demand draft for an amount of Rs. 6 Lakhs. Said demand draft, according to complainant was intentionally issued in the name of wrong person (Name of the complainant is spelled incorrectly on the demand draft). This Court has shown indulgence in favour of the applicant as he claimed that he will be issuing correct demand draft. On 11/10/2021, accordingly matter was adjourned which was listed on 15/11/2021 again on which date, an adjournment was sought.

4] Today also, when the matter is called out, counsel for the applicant has sought adjournment.

5] It appears that the claim put forth by the complainant that applicant has intentionally issued demand draft by mis-spelling the name of complainant is very much justified from the very conduct of the applicant, as though the applicant was granted accommodation time and again by this Court so as to issue demand draft in the name of complainant, which he has failed to comply till this date.

6] Apart from above, on merits of the matter, it is noticed that applicant's prima facie involvement in the serious offence could be inferred as the applicant has received illegal consideration from the complainant in his account by making false promise.

7] Necessary ingredients of the offence of cheating, forgery are apparent as the applicant has issued forged letters in favour of the complainant.

8] This is second attempt of bail on the part of the applicant before this Court, as his earlier attempt was unsuccessful. The Court has perhaps shown indulgence in favour of the applicant as initially he has shown his intention to make good the financial loss to the complainant. It appears from the conduct of the applicant as narrated herein above that he has no intention to repay the amount which he has illegally received by making false promise of allotment of flat under MHADA.

9] As such, case of prima facie involvement and custodial interrogation of the applicant could be inferred. That being so, no case for bail is made out. Application fails, stands rejected.

10] In view of disposal of pre-arrest bail application, intervention application also stands disposed of.

[NITIN W. SAMBRE, J.]