

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

ANTICIPATORY BAIL APPLICATION NO.2687 OF 2021

Raeesh Mohammed Ali and Anr.	..Applicants
Versus	
The State of Maharashtra	..Respondent

Mr. Sajid Shaikh a/w Mr. Bharat Patel i/by Kaleeyantey Law Firm,
for the Applicants.

Ms. A. A. Takalkar, APP for the Respondent – State.

Mr. Sanjay Sadigale, API, EOW-1, Navi Mumbai – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 15th NOVEMBER, 2021

PC.

1. The applicants are seeking pre-arrest bail for the offence punishable under Sections 420, 406 r/w 34 of IPC registered with Vashi, Navi Mumbai Police station.

2. The matter was heard at length in the first half and as this Court was not inclined to grant relief as prayed, it was kept back at the request of the counsel for the applicants so as to enable him to withdraw the application.

3. When the matter was called out, counsel for the applicants sought an adjournment on the ground that some different counsel is appearing in the matter.

4. What can be gathered from the conduct of the counsel for the applicants is, he has taken chance by arguing the matter and now since this Court is not inclined to allow the application is seeking an adjournment. Such practice adopted by the counsel needs to be deprecated.

5. It is the case of the applicants that the allegations made in the FIR are nothing short of contractual obligation and there is already civil dispute pending in the competent court. It is further claimed that parties are trying to amicably settle the dispute. That being so, the applicants deserve protection in the event of arrest.

6. The prayer is opposed by the learned APP on the ground that there is enough material available on record to infer *prima-facie* involvement of the applicant in the crime in question.

7. I have perused the FIR and other material available with the APP.

8. It appears that after having accepted consideration of Rs.2,25,00,000/- (Rupees two crores and twenty five lakhs) the applicants have parted possession of the property to the complainant.

9. Subsequent thereto, the applicants appear to have dispossessed the complainant and entered into leave and licence

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agreement with the third party that too without any authority of law. The amount of consideration referred supra, is accepted in the bank account of the applicants which *prima-facie* depicts that the applicants at the relevant time promised that the property will be handed over to the complainant with title documents.

10. The very conduct of the applicants of unlawfully dispossessing the complainant after having received entire consideration and not executing appropriate conveyance deed and further leasing out the property to the private individual *prima-facie* satisfies the very ingredients of the offence alleged. *Prima-facie*, involvement of the applicants in the offence in question can be inferred at its face value. No case for grant of bail is made out.

11. Application as such stands rejected.

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[NITIN W. SAMBRE, J.]