

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2909 OF 2021**

DEVANSH NEMISH SHAH

....Applicant.

V/s

STATE OF MAHARASHTRA

.....Respondent

Mr. Arjun Chaudhary for the Applicant.

Mr. Ajay Patil, APP for the Respondent/State.

WPSI Netra Mule, Khar Police Station, present.

CORAM: NITIN W. SAMBRE, J.

DATE: DECEMBER 08, 2021

P.C.:-

1] Applicant is seeking pre-arrest bail in C.R. 698 of 2021 registered with Khar Police Station for the offence punishable under Sections 420, 406, 34 of the IPC.

2] Prosecution case against the Applicant is, in the Firm's Account viz Global Weight Losses Company, 50,000 Canadian dollars were received some time in 2015 so as to purchase Medical College, which commitment was not honoured. Since the amount was received and distributed amongst the Applicant and the co-accused, offence came to be registered.

3] Submissions of Counsel for the Applicant are, Applicant has resigned from the said Company viz Global Weight Losses and as such, he cannot be held liable. His further contentions are, to show bonafides, Applicant shall deposit an amount of Rs 5 lakhs and balance amount will be deposited or paid after RBI clearance is granted, as the said amount is to be paid in foreign currency as was received i.e. in Canadian dollars. He would further claim that entire amount, as is claimed, will be refunded to the complainant and as such, custodial interrogation of the Applicant is not warranted.

4] It is apparent from the available record that amount of 50,000 Canadian dollars was received of which the Applicant is a direct beneficiary. There are hardly any documents to infer that the Applicant has resigned from the said Firm in 2016. Presuming that he has resigned in 2016, fact remains that offence was between 2015 and 2016 during which period he was actually the Director of the Firm. So far as bonafides, as has been sought to be canvassed by the Applicant in support of his claim for grant of his prayer is concerned, it cannot be inferred that Applicant by depositing amount of Rs 5 lakhs has

demonstrated his bonafides in the matter. Rather, factual matrix very much satisfied very ingredients of the offence alleged. No case therefore is made out for grant of pre-arrest bail.

5] Application as such stands rejected.

(NITIN W. SAMBRE, J.)