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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2984 OF 2021

RAHUL RAMPRASAD CHATURVEDI APPLICANT

V/s.

THE STATE OF MAHARASHTRA RESPONDENT

Mr. Ashok M. Saraogi for the applicant

Mr. A. R. Kapadnis APP for the State

Mr. Nitin Sejpal a/w Ms. Pooja Sesjpal a/w Ms. Akshata Desai for
intervener

Mr. Jadhav, PI, Narpolice Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: DECEMBER 13, 2021.

P.C.:

1] Applicant is seeking pre-arrest bail in C.R. No. 506/2019 registered with Narpoli Police Station for Offences punishable under Sections 406, 420, 177 of the Indian Penal Code and under Sections 3, 5, 8, 13 of The Maharashtra Ownership of Flats(Regulation of the Promotion, Construction, Sale, Management and Transfer) Act, 1963.

2] Applicant's earlier application was rejected by this Court on 12/03/2020 which order was confirmed by the Apex Court on 30/04/2021.

3] Submissions of Mr. Saraogi, learned counsel for the applicant are, in the matter of co-accused in this very crime, this Court has permitted deposit of Rs. 85 Lakhs. Total amount involved in the case is Rs. 2 Crores and applicant is willing to deposit Rs. 75 Lakhs to show his bonafides in addition to aforesaid amount of Rs. 85 Lakhs.

4] The fact remains that this Court while rejecting the prayer for bail of the applicant has in detail considered criminal conduct of the applicant and proceeded to pass a reasoned order which was upheld by the Apex Court. Applicant alongwith other co-accused has cheated flat buyers having accepted consideration in 2010. This Court has already recorded a finding that applicant is avoiding his arrest in the offence.

5] Apart from above, what is noticed is, accused including co-

accused, in calculated manner are trying to misuse the lawful remedies available to them like the one noticed in the present case. Applicant has tried to use voluntary statement made by co-accused in other bail matter being Bail Application No. 1974 of 2021. This Court has not granted any protection in the said matter, however, since applicant volunteered, permitted him to deposit amount of Rs. 85 Lakhs in the said matter which I am informed is not honoured till date. This very conduct of the applicant can be viewed as a part of strategy adopted by accused persons in nullifying the orders of this Court.

6] Needless to clarify that this Court neither directed co-accused to deposit the amount nor granted any protection in favour of any of the accused. What is noticed from the conduct of the applicant is, all the co-accused in a calculated manner are keeping the Investigating Officer engaged in the court proceedings by repeatedly approaching this Court thereby misusing provisions/remedies available to them. Order passed by this Court on earlier occasion rejecting the prayer for bail passed on 12/03/2020 is quite clear. Applicant as stated

herein above is avoiding investigation purposefully since last two years.

7] No case for bail is made out. Application stands rejected with cost.

[NITIN W. SAMBRE, J.]