IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2808 OF 2019

1. Bosco Stephen Rodrigues
2. Bhavana Bosco Rodrigues ...Applicants

Versus

The State of Maharashtra ...Respondent

....

Ms Prajakta B. Shinde i/b. Mr. Sunny A. Waskar for the Applicants.
Mr. S.V. Gavand, APP for the Respondent -State.
Ms Rital V. Parade, API, Malad Police Station is present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th SEPTEMBER, 2021.

P.C.:-

The Applicants have filed this application under Section 438 of the Code of Criminal Procedure, 1973 for pre-arrest bail in apprehension of their arrest in Crime No.146 of 2019 registered with Malad Police Station for offences punishable under Sections 406,420,465, 468 and 471 r/w 34 of the Indian Penal Code, 1860.

2. Heard Ms Prajakta Shinde, learned counsel for the Applicants and Mr. S.V. Gavand, APP for the Respondent -State. Perused the records.

3. The aforesaid crime was registered pursuant to the FIR

lodged by Mr. Lancelot D'Souza. The FIR prima facie reveals that the complainant wanted to procure loan from foreign countries with low interest rates, and one Ashish Samant had introduced him to the Applicant No.1, who had told him about MT 799 and MT 760 schemes and also assured him that he could get loan of Rs.20 crores. Hence, the first informant opened a bank account in Indusind Bank. The first informant had stated that the Applicant No.1 had demanded Rs.5,00,000/- for expenses of Bank officials and RBI officials. The first informant claims that he had paid Rs.3,00,000/- to the Applicant No.1. It is further stated that he paid to the Applicant No.1 total amount of Rs.31,84,500/- out of which Rs.15,77,500/- was paid in cash and the balance amount was paid by cheque. It is stated that the Applicants had assured to repay the said amount and had issued two cheques for an amount of Rs.5,00,000/- each. Said cheques were dishonoured and 138 proceedings are pending.

4. The records indicate that the first informant had paid to the Applicants an amount of Rs.16,07,000/- by way of cheque. Apart from the mere statement of the first informant, there is no prima facie material to indicate that the first informant had paid to the Applicants cash of Rs.15,77,500/-. It is stated that the Applicant had refunded an amount of Rs.10,35,000/-. This fact is not seriously disputed.

Considering this fact, this Court (Coram: Sandeep K. Shinde, J.) vide order dated 19/12/2019 had granted interim protection to the Applicants. It is stated that the Applicants have complied with the conditions of the bail order. It is also stated that investigation is completed and charge sheet will be filed within a period of two weeks. It is thus evident that presence of the Applicants is not required for custodial interrogation.

5. Having regard to the above facts and circumstances, in my considered view this is a fit case for grant of pre-arrest bail. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in crime no. 146 of 2019 registered with Malad Police Station, the Applicants shall be released on bail on furnishing PR bonds of Rs.25,000/- each with one or more sureties in the like amount.

(ii) The Applicants shall not interfere with the witnesses or tamper with the evidence in any manner;

(iii) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)