

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

ANTICIPATORY BAIL APPLICATION NO.79 OF 2022

Eric Benedict Rego
versus
State of Maharashtra

.... Applicant
.... Respondent

.....

- Mr.Anup S. Dhannawat, Advocate for Applicant.
- Smt.J. S. Lohokare, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JANUARY 2022
(through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.438/2021 dated 16/11/2021 registered with Manikpur Police Station, Virar, under sections 420, 406 of the Indian Penal Code.

2. Heard Mr.Anup S. Dhannawat, learned counsel for the Applicant and Smt.J. S. Lohokare, learned APP for the State.

3. The FIR is lodged by one Anita Kailash Chaudhary. She has stated that she had lost her husband about 3 years before the FIR. She has two teenaged daughters. She was working as a

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teacher in a school and was doing part time job in a credit society. However, because of the lock down the school as well as the credit society were closed and she lost her job. She was supported by her brother during this period. A common friend introduced her to the present Applicant. The FIR goes on to mention that he developed friendship with the informant. He suggested that they should start cold storage business. Accordingly the informant gave two cheques of Rs.75,000/- each and also paid certain amount by taking loan on her ornaments. The shop started at Bhayander. The Applicant did not pay her even one occasion the money earned from that business. Then they started a restaurant at Bhayander. Subsequently because of the lockdown even that restaurant had to be closed. The owner of the land forfeited the deposit. The Applicant told the informant that he would go to Saudi and would return her money. The Applicant also proposed her for marriage. The informant agreed. But no further steps were taken by the Applicant. In the meantime, the Applicant's mother suffered heart attack. The Applicant sought financial help from the

informant. The informant had again helped him financially by taking loan on her other ornaments. The Applicant had extracted Rs.40,000/- for getting admission of her daughter. But even that work was not done. The FIR goes on to mention that on various occasions the Applicant took money from her on one pretext or the other. But not a single rupee was returned. The FIR thus mentions that he had cheated the informant to the tune of Rs.8,07,600/-.

4. Learned counsel for the Applicant states that it was a civil dispute. The Applicant is willing to return her money. But he needs 6 months time. He submitted that his intention to get married was not false and he still wants to marry the informant.
5. Learned APP opposed this application and relied on the case of first informant mentioned in the FIR.
6. I have considered these submissions. As far as the common business is concerned, it was closed because of lockdown. However, the allegations are that when the business

was running, even at that time, the Applicant did not pay anything to the informant, which he had earned from that business. Thereafter there are instances when the informant had helped him financially, because the Applicant induced her to pay that amount on different occasions. Not a single rupee was returned. The informant was a widow and she has to support two teenaged daughters.

7. Considering this background, the offence of cheating is made out. The Applicant, right from the inception, appears to have acted with dishonest intention in inducing the informant in parting with her money. The amount was misappropriated. It was not returned and even today unreasonable period is sought for by the learned counsel for the Applicant for returning the amount. All this goes on to show that the Applicant had never honest intentions. His custodial interrogation is necessary to find out where the money has gone. Therefore no case for anticipatory bail is made out. The application is rejected.

(SARANG V. KOTWAL, J.)