

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

ANTICIPATORY BAIL APPLICATION NO.415 OF 2022

Faisal Mohd. Hanif Ansari Applicant

versus

State of Maharashtra Respondent

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- Mr.Jay S. Patil i/b. Yogiraj Puwant, Advocate for Applicant.
- Smt. A. A. Takalkar, sAPP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 17th FEBRUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.792/2021, dated 11/08/2021 registered with Mumbra Police Station, Thane, under sections 420, 406, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr.Jay S. Patil, learned counsel for the Applicant and Smt. A. A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Mohammad Shahjad Farukh Shaikh. He has stated that he wanted to purchase a residential

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flat. In February 2013 he along with his friends went to office of ZAF Builders and Developers and at that time he was introduced to the present Applicant and others. The informant was told that the builder had taken a land at village Kausa, Survey No.132 for development and that they were constructing the building by name Firdos Complex. The Applicant who was younger brother of the builder Fahad, told the informant that the price was Rs.1,700/- per sq.ft. A room of 365 sq.ft was available. Therefore the informant decided to purchase that room for Rs.6,20,500/-. The FIR mentions that on different occasions the informant paid Rs.3,25,000/- to the Applicant through cheques issued in favour of the builder. Subsequently, the possession of the room was not given, the money was not refunded. On this basis the FIR is lodged.

4. Learned counsel for the Applicant submitted that his brother Fahad is a builder and this Court (Coram : Nitin W. Sambre, J.) vide order dated 18/11/2021 passed in Anticipatory Bail Application No.2663 of 2021, has granted him anticipatory bail. In that order it was mentioned that the counsel for the

Applicant on instructions had stated that amount of Rs.4,00,000/- would be deposited by that Applicant with the Consumer Disputes Redressal Forum in Thane District, where the complaint under the Consumer Protection Act, was initiated by the informant. The Applicant was granted anticipatory bail on that undertaking. Learned counsel for the Applicant has produced a copy of receipt dated 01/12/2021 showing such deposit of Rs.4,00,000/- with the Consumer Dispute Redressal Commission, Thane. The copy of the said receipt is taken on record and marked 'X' for identification.

5. Learned APP submitted that the Applicant be directed to attend the police station and to co-operate with the investigation.

6. I have considered these submissions. The FIR itself shows that the Applicant has taken money on behalf of the builder. The co-accused Fahad is already granted anticipatory bail as mentioned earlier. Undertaking was given of depositing of Rs.4,00,000/-, which is duly deposited which is indicated

from the copy of the receipt. In this view of the matter, the Applicant's custodial interrogation is not necessary. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.792/2021, dated 11/08/2021 registered with Mumbra Police Station, Thane, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)