

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

ANTICIPATORY BAIL APPLICATION NO.555 OF 2022

Manoj Pandey S/o Suresh Chand
Pandey

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

....

Mr. Chetan Hadollikar with Ms Pooja Dalvi for the Applicant.

Ms Rutuja Ambekar, APP for Respondents-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 28th MARCH, 2022.

P.C.:-

1. This is an application under Section 438 of the Cr.P.C. filed by the Applicant apprehending his arrest in C.R. No.130 of 2020 registered with Amboli Police Station, Mumbai, for offences punishable under Sections 406, 420, 465, 467 and 468 r/w. 34 of the IPC.

2. The aforesaid crime was registered pursuant to the FIR lodged by one Sachin Kaushik, Editor Director of movies/films. It is the case of the prosecution that the Applicant was approached to finance movie "Hamari Ba Kasturba". It was agreed that in view of the funding, the Applicant would get 34% from the share in the company "Eternal Motion

MEGHA
S
PARAB
Digitally signed
by MEGHA S
PARAB
Date:
2022.03.30
10:45:51 *

Pictures Pvt. Ltd.”. The shooting of the film was completed and initial amount of Rs.7,50,000/- was given to the Applicant. However, he avoided providing further funds required for completion of the film. In March, 2019, the film was handed over to Eye Focus Production Pvt. Ltd. for further completion. It was decided that the right to the movie would be jointly given to the Complainant and Manish Kumar (accused No.1) and the agreement to that effect was to be executed with Dinesh Joshi of Eye Focus Pvt. Ltd. The Complainant could not release the movie without payment to the creditors and hence demanded money from Manish Kumar and the Applicant. In the meantime, another film “Gandhi Ki Prerna Kasturba” was being advertised on social media. Upon enquiry it was learnt that name of the film was changed to “Gandhi Ki Prerna Kasturba” under registration No.32690.

3. The first informant has alleged that the Applicant and Manish Kumar (accused No.1) had replaced his photograph with that of the Applicant and forged his signature on behalf of Eternal Motion Pictures Pvt. Ltd. and submitted an application for membership to Western Indian Film Producers Association (WIPA) and later removed the name of the first informant as director of the movie. The first informant therefore claimed that he had been cheated for the value of Rs.5,00,000/- and hence lodged

the FIR. Based on which aforestated crime came to be registered.

4. Heard Mr. Chetan Hadollikar, learned counsel for the Applicant and Ms Rutuja Ambekar, learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

5. It is seen that on 10th March, 2022 this Court had granted interim bail to the Applicant with direction to report the investigating officer. Learned APP states that the Applicant has reported to the investigating officer and he has been duly interrogated. It is to be noted that the Applicant had stated that the photograph was wrongly affixed on the application and said mistake was rectified and identity /membership card now issued by the WIPA in favour of Manish Kumar, who was director of Eternal Motion Pictures Pvt. Ltd. The said document was placed on record at Exhibit 59. It is not in dispute that this identity card has been prepared by the General Secretary, WIPA. Copy of this document has been furnished to the investigating officer. As regards the offence of cheating, this Court while granting interim bail has referred to the receipt (Exhibit-E) issued by the the Association for registration of title of the film “Hamari Baa Kasturba” and recorded that proprietorship name

in the said receipt is mentioned as Ms. Eternal Studioz whereas according to the Complainant by the “Eternal Motion Pictures Pvt. Ltd.’ While granting the interim bail, said document was considered and recorded that prima facie offence of cheating is not made out.

6. Considering the nature of accusation, for the reasons stated in order of the interim bail and that the Applicant has been interrogated and has co-operated with the investigation, in my considered view presence of the Applicant is not required for custodial interrogation.

7. Hence, the application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R. No.130 of 2020 registered with Amboli Police Station, Mumbai, the Applicant shall be released on executing PR bonds in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The Applicant shall report to the Investigating Officer as and when required by the investigating officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact

numbers, and/or change of residence or mobile details, if any, from time to time.

8. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)