IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1031 OF 2022

1. Reena Mukesh Pandey
2. Mukesh Pandey ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Gaurav Shukla for the Applicant.
Mr. M.G.Patil, APP for the State.
Ms. Devmani Shukla for the Intervenor.

CORAM : ANUJA PRABHUDESSAI,J.
DATED : 18th APRIL, 2022.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicants for pre-arrest bail, apprehending their arrest in C.R.No.1041 of 2020 registered with Borivali Police Station for offences under Section 420, 465, 467 and 471 r/w. 34 of Indian Penal Code.

2. Heard Mr. Shukla, learned Counsel for the Applicant, Mr. Patil, learned APP for the State, and Ms. Devmani Shukla for the Intervenor. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Girish Shukla. The FIR prima facie reveals that the complainant was

desirous of purchasing residential premises. His neighbor Manoj Pandey, had introduced him to the Applicant No.1 and had told him that she arranges properties which are attached by the banks, at a reasonable rate. Accordingly, he contacted the Applicant No.1. She represented to him that she has close contacts with the Official Receiver of Debt Recovery Tribunal and that the properties which are attached by the DRT are sold at price below the market rate. The Complainant has further stated that both these Applicants introduced her to the main accused Sachin Borde, who also assured him that he would arrange for the property at a very reasonable rate. Accused Sachin Borde told the Complainant that one property which was attached by the Bank of India was for sale for Rs.38,00,000/-. The Complainant has stated that at the instance of the Applicants and said Sachin Borde, he paid cash of Rs.3,00,000/- and that they gave him a receipt and one NOC and further told him to deposit amount of Rs.3,00,000/- for the purpose of registration. Accordingly, the Complainant deposited total amount of Rs.1,50,000/- in the account of the Applicant No.1 and an amount of Rs.,6,50,000/- in the account of Sachin Borde. When the complainant asked for the Allotment letter, the Applicants and Sachin Borde started avoiding him. Subsequently, the Complainant realized that the Applicants and said Sachin Borde were not able to provide any residential premises, hence he requested them to refund his money. They issued him cheques, which were dishonoured. Thereafter the

Applicants refused to repay the money and started avoiding him by giving false address. The Complainant therefore lodged complaints against Sachin Borde and the Applicants for cheating him.

4. The FIR prima facie reveals that the Applicants were involved in inducing the complainant in making the payment. The record further indicates that the Applicants had issued forged and fabricated receipts in the name of one Sundeep Nayak, who is stated to be the Private Secretary Chairman of Government of India. The forged and fabricated allotment letter dated 10.06.2019 in the name of the Manager of Bank of India was also issued in favour of the Complainant. The whats app chat between the Applicant No.1 and the Complainant also prima facie show the involvement of the Applicants in the said crime. Considering the nature of the accusation and the material in support thereof, in my considered view, this is not a case which justifies exercise of discretionary power in favour of the Applicants. Under the circumstances, the Application is dismissed.

PRASANNA P SALGAONKAR Digitally signed by PRASANNA P SALGAONKAR Date: 2022.04.21 14:28:17 +0530

(ANUJA PRABHUDESSAI, J.)