

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

ANTICIPATORY BAIL APPLICATION NO.3222 OF 2021

Shyamrao Veershettti Belore Applicant
Versus
The State of Maharashtra Respondent

Ms. Trisha A. Singh, Advocate a/w. Ram Chavan, for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th FEBRUARY, 2022

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.218/2015 dated 29.8.2015 registered at RCF Police Station, Mumbai under Sections 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2. Heard Ms. Trisha Singh, learned counsel for the applicant and Ms. Sharmila Kaushik, learned APP for the State.

3. The FIR is lodged by one Akbar Akramali Shaikh 29.8.2015. He has stated that he had a small hair-cutting saloon shop at Vashi Naka, Chembur. One Dineshkumar Singh was his customer. One builder by the name Deserve Builder

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decided to develop a project at the same place where the informant was having his shop. He had offered the informant some compensation and the informant was also given rent for two years. The informant handed over that shop to the builder. The aforementioned Dineshkumar told the informant that he could get a MHADA room for Rs.5 Lakhs. The informant gave him Rs.1 Lakh as a token amount. Dineshkumar took him to building No.16, Sai Niketan Co-operative Housing Society, Mhada colony, Vashi Naka, Chembur, Mumbai and told the informant that room No.710 was allotted to him. The informant went there. The allegations are that the Chairman of the building Philips, Dineshkumar Singh, one Pawar who represented himself as a MHADA officer, Mohan Dongre, Amar Wagh, Kokan Patra and the present applicant were standing near the building. Dineshkumar, Kokan Patra and Pawar went inside the building and gave possession of that room to the informant. Pawar gave documents relating to that room. They obtained signatures of the informant and his mother for having given

possession. The informant started staying there. He stayed there for about 18 months. In February, 2015 some notice was affixed on the door of the room, but, the Chairman Philips tore it and advised the informant to ignore that notice. The informant was not sure. He made enquiries with Dineshkumar Singh who obtained Rs.25,000/- more for obtaining stay. But nothing was done. On 10.2.2015 the room was sealed and the informant had to leave the room. He realized that he was cheated. He tried to contact Dineshkumar Singh. The informant was called at Sindhu Palace Hotel. Again there same persons were present, including the present applicant. There again, those people assured the informant that he would get back his room but nothing further transpired. In between, Dineshkumar obtained more money from him; and in all, he had taken Rs.5 Lakhs from the informant but the informant did not get his room and, therefore, he lodged his FIR.

4. Learned counsel for the applicant submitted that the only role attributed to the applicant is that he was present on two occasions – once outside the building and on second

occasion in the hotel when the meeting was held between Dineshkumar and the informant. The applicant himself has not made any representation. He is not concerned with the transaction at all.

5. Learned APP opposed this application based on the averments made in the FIR as well as on the statements in the charge-sheet annexed to this application filed against other accused.

6. I have considered these submissions. As rightly submitted by learned counsel for the applicant, the applicant has not really played any role. He was present on two occasions and he had accompanied the main accused Dineshkumar Singh. The other person Pawar claimed to be a MHADA officer. Even that representation is not made by the present applicant.

7. The charge-sheet contains statement of one Mahendra Yadav, who was similarly cheated but there also the story is exactly the same and the main allegations are against Dineshkumar Singh. The FIR is lodged on 29.8.2015 and for

more than seven years, the investigating agency has not thought it necessary to arrest the applicant.

8. Therefore considering this fact and also considering the weak nature of material against the present applicant, his custodial interrogation is not really necessary. He can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.218/2015 registered with RCF Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing a 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) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)