

Rafik Salehmohammad Jafrani	...	Applicant
Versus		
State of Maharashtra and others	...	Respondents

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Mr. Subodh Desai alongwith Mr. Siddharth Mehta for the intervenor.

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DATED : 18 JANUARY 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 168 of 2022 registered at Bharati Vidyapeeth Police Station, Pune for the offence punishable under Sections 409, 420, 406 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. The prosecution has filed the charge-sheet against the co-accused. I have perused the charge-sheet. According to the prosecution,

the complainant and witnesses were induced by the present applicant and co-accused to invest amount in their construction business and assumed them to provide flats and shop premises in their projects. The allegations are of cheating and misappropriation of amount invested by the complainant and other witnesses in the construction business of applicants. According to the prosecution, total amount is Rs.2,26,25,339/-. The applicant has filed an Affidavit stating that he is willing to deposit Rs. 1 Crore in two installments, i.e. Rs.50 Lakhs within one week from today and rest of the amount of Rs.50 Lakhs within six weeks from today. Prima facie, it appears to be commercial dispute. Considering the facts and circumstances of the case, I am inclined to allow the present application. In the result, the following order is passed :

- (i) The interim anticipatory bail granted by this Court to the applicant by order dated 21 April 2022 is hereby confirmed.
- (ii) The applicant shall deposit an amount of Rs.50 Lakhs within one week from today before the trial court and rest of the amount of Rs.50 Lakhs within 6 weeks from today.
- (iii) The complainant and other investors are at liberty to move the application before the trial Court for withdrawal of the said amount. If such application is moved the trial Court shall decide the said application on its own merits.

6. List the present application on 3 March 2023 for compliance.