IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1248 OF 2023

Shailesh Dattatray Jadhav ...Applicant
vs.
The State of Maharashtra ...Respondent

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Mr. Aadesh Konde Deshmukh, a/w. Mr. Shubham T. Gharbudave, for the Applicant.

Mr. S.V. Gavand, APP, for the Respondent State.

Mr. V.R. Ambarge, A.P.I., Dr. D.B. Marg Police Station, Mumbai.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 27 APRIL 2023

P.C. :

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.37 of 2022 registered with D.B. Marg Police Station, Mumbai, for offences punishable under Sections 406, 420, 504 and 506(2) of the IPC.

2. Heard learned Counsel for the Applicant and learned APP for the Respondent State. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Sandip Sitaram Gaikwad. A perusal of the FIR reveals that one Deepak Gaikwad had introduced the First Informant to the Applicant and had stated that the Applicant could arrange rooms at a reasonable rate. He was also informed that the Applicant had helped the developer to get his development project of chawl at Valencia Tower at Tukaram Raoji Road, Grant Road (West), Mumbai and that several persons have entered into agreement with the Applicant for purchase of rooms. The First Informant approached the Applicant and agreed to purchase the room. The First Informant paid total amount of Rs.20,00,000/- to the Applicant, despite which the Applicant did not give the documents in respect of the room. In the year 2018, the Applicant called the First Informant to the office and informed him that he was allotted Room No.501. The Applicant also signed certain papers for the purpose of registration and demanded an amount of Rs.1,08,250/- towards registration fees. The First Informant contacted the Applicant time and again to complete the sale transaction in respect of the said room. The Applicant, thereafter, stopped receiving his phone calls and avoided meeting him. The First Informant suspected that the Applicant had cheated him and, upon enquiry, he learnt that the Applicant had cheated many others and several crimes have been registered against him.

4. The FIR and the other material placed on record prima facie reveals that the Applicant has received money from several persons on

an assurance that he would provide rooms at reasonable rate and 8 crimes are registered against him for cheating the purchasers. Learned APP has placed on record copy of the order dated 20 December 2021 in ABA No.2825 of 2019. A perusal of the said order reveals that C.R.No.879 of 2019 was registered against the Applicant at Satara City Police Station for cheating the purchasers and committing offences punishable under Sections 420, 504, 506 r/w 34 of IPC. The Applicant had repaid the money and had settled the matter with the concerned purchasers, in view of which, he was granted pre-arrest bail. It appears that even subsequent to registration of the said crime and grant of bail, the Applicant has continued to deceive innocent purchasers interested in purchasing rooms or residential premises. The Applicant appears to be a habitual offender. The crime needs to be thoroughly investigated to ascertain the exact number of such purchasers deceived by the Applicant.

5. Considering the facts and the circumstances, the application is dismissed.

(ANUJA PRABHUDESSAI, J.)