IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1393 OF 2023

Pritam Jaihind Singh ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Durgesh Jaiswal a/w. Jitendra Bora for the Applicant.
Mrs. A.A.Takalkar, APP for the State.
Adv. Shridhar S. a/w. Adv. Heta Patel for the Respondent No.2.

CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 18th JULY, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.58 of 2023 registered with Agripada Police Station, Mumbai, for offences punishable under Section 406, 420, 465, 467, 468, 471 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned Counsel for the Intervenor and learned APP for the State. 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 Shekhar Baliram Satpute. A perusal of the FIR reveals that the first informant was interested in purchasing a room. He was introduced to the co-accused Lallan Jaiswar, who informed him that Room No.36 belonging to Yadav Family was for sale, for sale consideration of Rs.55 lakhs. The first informant liked the room and decided to purchase it. He paid Rs.5 lakhs to the co-accused Lallan Jaiswar, and at his instance, he issued a cheque no.983862 for Rs.15 lakhs in the name of the co-accused Anil Kumar Yadav, On receipt of the amount of Rs.20 lakhs, the co-accused Jaiswar executed an agreement for sale and handed over to him copies of electricity bills and other documents.. The first informant paid to Lallan Jaiswar total amount of Rs.55 lakhs towards the said room.

4. The first informant claims that thereafter the co-accused Lallan Jaiswar showed to him another room belonging to one Acharya. The first informant paid to Lallan Jaiswar token amount of Rs.10 lakhs in cash and agreed to pay the balance amount after the transfer of room No.36. The first informant alleged upon his insistence to transfer, Lallan Jaiswar did not transfer the room.

5. Lallan Jaiswar had agreed to execute the sale deed and called him in the office of the Sub Registrar at Worli, Prabhadevi. When the first

informant went to the office of the Sub Registrar, Lallan Jaiswar initially told him that the owner Yadav was on the way, and later told him that the owner was indisposed and was unable to come. Similar excuses were given on the other occasions.

6. The first informant, thereafter contacted Sushil Kumar Yadav, owner of the room, and learnt that he had not agreed to sell the room to anyone. The first informant thereafter made inquiry in the bank and learnt that the cheque issued by him was deposited in the account of Anil Kumar Yadav and he had encashed the same. The first informant tried to contact Anil Kumar Yadav at the address mentioned in the bank records, but found that the Applicant herein was residing at the said address. The Applicant old the first informant that he knew Lallan Jaiswar and that Lallan Jaiswar had given him the said amount by way of loan. Having realized that he was cheated by Lallan Jaiswar and others, the first informant lodged the FIR, pursuant to which the crime has been registered for the offences as alleged above.

7. The records prima facie reveal that the address mentioned in the bank account opened by Anil Kumar Yadav was of the applicant herein. The records further reveal that Anil Kumar Yadav had encashed the cheque deposited by the first informant and transferred the total amount of Rs.15 lakhs into the account of the Applicant herein. Learned

Counsel for the Applicant states that Anil Kumar Yadav had transferred Rs.12 lakhs in his account at the instance of Jaiswar towards payment of two vehicles which the applicant had allegedly transferred in the name of Jaiswar. Learned Counsel for the Applicant has given details of the said vehicle. Learned APP states that none of these vehicles are transferred in the name of Jaiswar. In fact, one vehicle stands in the name of Shantaram Sawant and the other vehicle still stands in the name of Applicant Pritam Singh.

8. Learned Counsel for the Applicant further states that the Applicant had received Rs.3 lakhs from Anil Yadav towards financial assistance. This plea was not raised either before the sessions Court or before this Court. In this application, the Applicant has stated that he had received the said money towards business transaction. The records reveal that the Applicant had received total amount of Rs.20 lakhs from Anil Yadavm and he had transferred an amount of Rs.4,82,000/- into the account of Lallan Jaiswar. There is prima facie close nexus between the applicant and the other co-accused, and the Applicant is certainly a beneficiary of the said fraud. Considering the nature of the accusation, in my considered view, this is not a case to exercise discretion in favour of the Applicant. Hence the Application is dismissed.

9. The observations made herein above are only for the purpose of

deciding the anticipatory bail application, and not expression on the merits of the matter.

(ANUJA PRABHUDESSAI, J.)