



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 2358 OF 2023

Amit Amar Singh	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Mohd. Idris Jawed, for Applicant.

Mr. R.M. Pethe, APP for State/Respondent.

Mr. S. Pawar, PSI Matunga police station.

CORAM:- N. J. JAMADAR, J.

DATED:- 29th AUGUST, 2023

ORDER:-

- 1) Heard the learned Counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with CR. 193 of 2023, registered with Matunga Police Station, for the offences punishable under Sections 406 and 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
- 3) The indictment against the applicant is that the applicant had induced Manojbhai Vasava, one of his friends to invest the amount with Makbar Company by making a representation that

the said amount would be returned with a huge return within a fortnight. Eventually, the said amount was not returned. Hence, the first informant lodged the report.

4) Mr. Jawed, the learned Counsel for the applicant, submitted that the role attributed to the applicant is that of merely inducing the victim to the person, in whose company the amount was to be invested. In fact, the amount paid by the first informant was credited to the account of one Abdul Matin Aman Khan, the co-accused, who has since been released. Thus, the applicant deserves the exercise of discretion.

5) I am afraid to accede to this submission. Had the role attributed to the applicant been merely of introducing the co-accused, the Court would have certainly considered the prayer for pre-arrest bail. The allegations in the FIR indicate that the applicant had induced the first informant to transfer the sum of Rs.15,00,000/- by delivering a cheque drawn on the applicant's account to instil confidence in the first informant. Thereafter, the applicant started to avoid the first informant. Eventually the cheque drawn by the applicant in favour of the first informant was dishonoured on presentment.

6) In the aforesaid view of the matter, the fact that the amount transferred by the first informant came to be credited to the account of the co-accused does not prima facie dilute the gravity of the deceit allegedly practised by the applicant.

7) In substance, the alleged inducement made by the applicant was two-fold. One, by making a false representation. Two, by drawing a cheque to cover the amount invested by the first informant. Custodial interrogation of the applicant is warranted to unearth the fraud and also ascertain the money trail, post credit of the amount to the account of the co-accused and applicant's share, if any, therein.

8) In view of the above, no case for exercise of discretion is made out.

9) Hence, the following order.

:ORDER:

I) The application stands rejected.

II) It is clarified that these prima facie observations are confined to determine the entitlement to pre-arrest bail only.

[N. J. JAMADAR, J.]