Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2689 OF 2023

Bajrang Sunderprasad Tiwari ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. R. M. Pandey, for the Applicant.
Ms. Pallavai Dabholkar, APP for the State/Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 25th SEPTEMBER, 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 No.415 of 2023, registered with Kashimira Police Station, Mira-Bhaynader, for the offences punishable under Sections 420 and 406 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3. The first informant had known the applicant and Pravin Kadam, the co-accused. On 2nd December, 2022, the applicant introduced Bharati Devi, another co-accused, to the first informant at GCC Club. A representation was made to the first informant that if he invests Rs.1,60,00,000/- with

Alen World Trading Company, the company operated by the accused, they would purchase nine flats at Kharar, Punjab and return 1% of the investment amount daily. The applicant allegedly forced the first informant to make the investment.

4. Believing the representation, the first informant parted with a sum of Rs.1,60,00,000/-. He was called at Chandigad. Documents evidencing the purchase of the flat in the name of co-accused Bharti Devi were shown to the first informant. When the first informant insisted for the transfer of the flats, co-accused Bharati Devi told him that the deal was cancelled. Eventually, the first informant realized that he was duped. Hence, the report.

5. The learned Counsel for the applicant submitted that the applicant has no role in the alleged cheating. Neither amount was credited by the first informant to the account of the applicant nor the applicant had made any inducement.

6. As against this, the learned APP submitted that a sum of Rs.15,00,000/- has been credited to the account of the applicant from the account of M/s. Alen World Trading Company. The applicant was thus very much a confederate in the cheating.

7. I have carefully perused the allegation in the FIR. It is true that the amount came to be transferred to the account of the Alen Work Trading. Yet, at this stage, the fact that sum of Rs.15,00,000/- came to be credited to the account of the applicant cannot be said to be immaterial or inconsequential. In the FIR there are allegations to the effect that the applicant made the representation and induced the first informant to invest the amount. Moreover, there are statements of witnesses which indicate that the applicant had induced other persons also to invest the amount with Alen World Trading and they have also been duped in a similar fashion. In the face of the aforesaid material though the offence under Section 420 of the Penal Code entails punishment which may extend to seven years, yet to unearth the fraud in all its facets and ascertain the money trail, custodial interrogation of the applicant appears indispensable for an effective investigation. I am, therefore, not inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order:

: O R D E R :

(i) Application stands rejected.

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

[N. J. JAMADAR, J.]