IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.584 OF 2023

Ms Ankita Mohanbhai Chauhari ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.143 OF 2023

Sudhakar Laxman Satam ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.585 OF 2023

1.Smt. Vishala Sinna Rao
2. Mrs. Kavita Girish Rao ...Applicants

Versus

The State of Maharashtra ...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.3454 OF 2022

Mrs. Deepali Kedar Satam ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Vaibhav Parab for the Applicants in ABA/584 and 585 of 2023.
Mr. Sanjeev P. Kadam with Ms Bharti Lokhande, Ms Varsha Thosar, Ms Aditi Rajput, Ms Chandarani Gore i/b. Mr. Raju Yamgar for the Applicants in ABA/143/2023 and ABA/3454/2022.
Mr. S.V. Gavand, APP for the Respondent-State.
Mr. Khandagale, PSI, Vanrai Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 11th APRIL, 2023.

P. C. :-

1. Aforesaid Applicants apprehend their arrest in Crime No.574 of 2022 registered with Vanrai Police Station, Mumbai, for the offences punishable under Sections 406, 420, 465, 468 and 471 of the IPC.

2. Heard Mr. Vaibhav Parab and Mr. Sanjeev P. Kadam learned counsel for the Applicants and Mr. S.V. Gavand, learned APP for the Respondent -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 one Shanki Sushil Agarwal. The facts narrated in the FIR reveal that the First Informant is in the business of Airport services ground handling in the name and style of Yayudut Multiservices Pvt. Ltd. In the month of June-2018, the First Informant was introduced to Kedar, husband of Deepali (Applicant in ABA/3454/2022) and son of Sudhakar, (Applicant in ABA/143/2023). Said Kedar Satam represented to the First Informant that he could provide a flat in MHADA project at Mumbai at half of its cost. Said Kedar had also

assured that in the event the First Informant did not want to retain the flat, he could return the same and get back the refund within a period of 60 days. In the month of August-2021 said Kedar once again approached the First Informant and appraised him about various schemes run by MHADA. The First Informant saw several flats and shortlisted one 4 BHK flat at Oshiwara, the market rate of which was Rs.12 crores. The co-accused Kedar assured to get the said flat at Rs.6 crores and asked him to forward the other details such as PAN card, Aadhar Card, etc. On 03/09/2021 the First Informant at the instance of Kedar transferred an amount of Rs.50,00,000/- into the account of Deepali and handed over Demand Draft for Rs.5,00,000/- to the co-accused-Kedar. On 08/09/2021 Kedar gave him an allotment letter in respect of MHADA flat and assured him that said flat would be allotted by December-2021.

4. The co-accused showed another flat to the First Informant at Kanakia Level, Malad (East). The co-accused told him the price of the said flat at Rs.5 crores and assured him that he will arrange it for Rs. 2.5 crores within a period of 30 days. The First Informant paid to the co-accused Rs.60,00,000/- towards part payment of the said flat. The co-accused gave him another allotment letter in respect of the said

flat. When the First Informant approached ICICI Bank he learnt that all the allotment letters in the name of MHADA were forged and fabricated and that there was no such MHADA flat available for sale. The First Informant has stated that he has been cheated to the tune of Rs.4.74 lakhs and said Kedar has refunded an amount of Rs.20,00,000/-.

5. The allegations in the FIR are essentially against the co-accused Kedar, who was arrested in this crime and has been granted regular bail. The Applicant-Deepali is the wife and Applicant-Sudhakar is the father of the co-accused-Kedar. The records reveal that these two Applicants were not involved in the offence of cheating. The only allegation against them is that Rs.5,00,000/- was credited in the account of Deepali and amount of Rs.70,00,000/- in the account of Sudhakar.

6. Mr. Sanjeev Kadam, learned counsel for the Applicants submits that accounts of both these Applicants were operated by the co-accused-Kedar. He has placed on record statements of accounts of both these Applicants. A perusal of which prima facie reveals that money which was credited in these two accounts was immediately

transferred to the account of the co-accused -Kedar.

7. Similarly, the Applicant -Vishala is the mother and Applicant-Kavita is the wife of co-accused- Girish Rao. Whereas the Applicant -Ankita was working as a nurse for mother of co-accused Bella D'Souza. The records prima faice indicate that the accounts of all these Applicants were used and operated by the co-accused for the purpose of depositing and withdrawing the money. The amount deposited in their account has been subsequently withdrawn and paid to the co-accused. In such circumstances, particularly considering the fact that these Applicants were not involved in making any false assurances and /or inducing the Complainant in parting with the money, the Applicants are entitled for bail. The records also indicate that these Applicants are on interim bail since long. They have co-operated with the investigation.

8. Considering the nature of accusations, in my considered view this would be a fit case to exercise discretion under Section 438 of the Cr.P.C. in favour of the Applicants. Hence, the applications are allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicants in Crime

No.574 of 2022 registered with Vanrai Police Station, Mumbai, the Applicants shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- each with one or two sureties each to the like amount;

(ii) The Applicants shall report to the concerned Investigating Officer as and when required by the Investigating Officer;

(iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner.

(iv) The Applicants shall keep the Investigating Officer informed of their current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

9. The applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

MEGHA S PARAB Digitally signed by MEGHA S PARAB Date: 2023.04.17 19:45:50 +0530