

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

ANTICIPATORY BAIL APPLICATION NO.3586 OF 2022

Kailas Rambali Jaiswar	..Applicant
VS.	
The State of Maharashtra	..Respondent

Prashant Pandey a/w Dinesh Jadhvani i/b K.M. Kadam for the Applicant.

Ms. A. A. Takalkar, APP for the State.

PI Shivalkar, Dadar Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 4, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and the learned APP.
- 2.** This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with First Information Report ("FIR", for short) No. 0510 dated 02/06/2022, registered with Dadar Police Station, for the offence punishable under sections 406, 420, 465, 467, 468,

471 read with 34 of Indian Penal Code, 1860.

3. It is the case of the first informant that he was looking for an accommodation in the Dadar area. It is alleged that the accused alongwith the applicant promised that the complainant will be given a flat under the SRA scheme. One of the accused has projected himself to be a Government servant.

4. Learned counsel for the applicant submitted that he himself is the victim in respect of the alleged offence and has invested a sum of Rs.7,00,000/-. The learned counsel for the applicant submitted that except for an entry of Rs.10,00,000/- which is shown to have been paid from his account to one of the accused, there is nothing on record to implicate him. It is further submitted that the applicant has not been named in the FIR.

5. I have gone through the FIR lodged and other materials produced by the learned APP. Right from the beginning the applicant has been associated with the other accused in collecting various sums of money from the gullible investors. A sum of Rs.1,05,00,000/- in cash and

Rs.30,00,000/- by cheque has been collected and towards that end no flats as promised have been provided. Learned counsel for the applicant submits that the collected amount has been returned back.

6. The involvement of the applicant is seen from the materials on record as even the statement of one of the complainant mentions that the money has been handed over to the applicant. The applicant was present in all the meetings and has assured the complainant from time to time that the flat will be handed over. There is also a writing on record which bears the signature of the applicant that the flat will be handed over as promised. It is therefore, not possible at this stage to accept the contention of the learned counsel for the applicant that the applicant himself is a victim. There is transaction brought on record which shows the involvement of the accused. Therefore, I do not find any merit in the submission of the learned counsel for the applicant.

7. The application is rejected.

(M. S. KARNIK, J.)