

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

ANTICIPATORY BAIL APPLICATION NO.11 OF 2024

Prathamesh Krishna Shetty Applicant
Versus
The State of Maharashtra Respondent

Mr. Sundeep Singh, Advocate for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.659/2023 registered at Parksite Police Station, Mumbai on 21.10.2023 under sections 406, 420 read with 34 of IPC.

2. Heard Shri Sundeep Singh, learned counsel for the Applicant and Ms. Sharmila Kaushik, learned APP for the Respondent-State.

3. The FIR is lodged by one Rakesh Maurya. He wanted to purchase a room for around Rs.11 Lakhs. In January, 2021, one estate agent Jyoti introduced him to the

Applicant and his parents. The Applicant's mother was owner of room No.567, D-1 (old Room No.1/1), Tanaya Society, Sagar Nagar, Parksite, Vikroli (W), Mumbai. She showed willingness to sell that room for Rs.18 Lakhs. The informant had only Rs.11 Lakhs. Jyoti volunteered to give Rs.7 Lakhs on interest. The informant decided to purchase that room. He paid Rs.11 Lakhs to the Applicant and his parents. It is specifically mentioned that Rs.1,55,000/- were transferred in the Applicant's name. Rest of the amount was received by the Applicant's parents. Subsequently, Jyoti did not extend the loan as the informant could not give the documents as security. The same room was first given to a third person on heavy deposit and subsequently it was sold to one Anjumara Khan. The informant, therefore, did not get the room and his money was not returned. The Applicant's mother returned Rs.1 Lakh and, therefore, the informant did not lodge any complaint immediately; but, subsequently for a number of days his amount was not returned and, therefore, the present FIR was lodged.

4. Learned counsel for the Applicant submitted that the Applicant is a 23 year old student. He was not earning. He was looked after by his parents and he was dependent on them. The room was owned by his mother. The only allegation against him is that out of the amount of Rs.11 Lakhs, Rs.1,55,000/- were deposited in his account. He was not handling the financial affairs of the family, therefore, he is not involved. He has not made any misrepresentation. He has not misappropriated the money for himself. He further submitted that his parents were already arrested and released on bail.

5. Learned APP submitted that the Applicant be directed to cooperate with the investigation.

6. I have considered these submissions. The main role is attributed to the Applicant's parents. He is a young boy. He was not earning. The bank account was maintained in his name, but, it appears that it was actually operated and used by his parents. In this view of the matter, the Applicant's custodial interrogation is not necessary. He can be directed to

cooperate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.659/2023 registered at Parksite Police Station, Mumbai, the Applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station as and when called and shall cooperate with the investigation.
- (iii) The Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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