

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

ANTICIPATORY BAIL APPLICATION NO. 899 OF 2024

Maddula Mahendar Reddy	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Nasim Khan, for the applicant. _____
Mr. C.D. Mali , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 4th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No.617 of 2023 registered at Park Site Police Station, Mumbai, on 06/10/2023 under Section 420 of the Indian Penal Code.

2. Heard Mr. Nasim Khan, learned counsel for the Applicant and Mr. C.D. Mali, learned APP for the Respondent-State.

3. The FIR is lodged by one Ashwija Reddy. She has stated that the present Applicant was her relative. He was brother of her maternal aunt. He met the informant in 2013. The informant wanted to purchase a property at her native place in

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Telangana. The Applicant was in the business of sale and purchase of lands. In January 2014, the Applicant came to the informant's house and told her that there would be some plots available at their native place at Siddhipeth and that, she could get about 1000 sq ft of land for 7 lakhs and 2000 sq. ft. of land for 15 lakhs. The informant told him that she did not have that much money. The Applicant told her to pay the money in small installments. The FIR then goes on mentioning various transactions from June 2014 upto October 2021 when she had paid Rs. 22 lakhs to the Applicant. In the year 2017, when the Applicant had come to their house, he was asked about the transfer of the plot in the informant's name but he gave evasive answers. Therefore, the informant went to their native place and inspected the plots. She came to know that the Applicant had transferred the plot in his own name. At that time, the informant asked him to return the amount or transfer the plot in her name but he gave evasive answers. The FIR mentioned that one Dharmendra Bhandari and Anjali Sapkal had also paid him money for purchasing the plots. Even their money was misappropriated. On these allegations the FIR is lodged.

4. Learned counsel for the Applicant submitted that the FIR is false. The Applicant was given money by the informant and her mother to construct a house for the informant's grand mother at their native place. He submitted that it is not possible to believe that without inspecting the plots, the informant had paid the amount. The amount was paid in small installments. That would indicate that it was paid to complete the construction of the house in the name of grand mother. He further submitted that the FIR indicate that in 2017, the informant was convinced that the amount was misutilised by the Applicant, then it would be improbable that she would go on making payment even after that. He further submitted that the payments were made from 2014 and the FIR is lodged in October 2023. The Applicant's custodial interrogation in this doubtful circumstance is not necessary.

5. Learned APP produced investigation papers. There are statements of Dharmendra Bhandari and Anjali Sapkal. He submitted that the Applicant had misappropriated the amount. However, he could not explain as to why the informant went on making the payment even after coming to know that the plot in

question was transferred in his own name by the Applicant.

6. I have considered these submissions. As far as Anjali Sapkal's payment is concerned, learned counsel for the Applicant submitted that the Applicant is still willing to complete that transaction. It is a separate transaction and it has nothing to do with the informant's case. In any case, Anjali Sapkal had not lodged any complaint against the Applicant.

7. As far as Dharmendra Bhandari's case is concerned, he had paid the amount through the account of the informant and some of the amount is paid cash for which there is no proof as that amount is directly deposited in the bank account. There is no proof that Dharmendra had deposited the amount for a particular transaction. According to him, he had also made payment from 2104 to 2021. Even he had not made any complaint against the present Applicant.

8. All these circumstances raised sufficient doubt against the prosecution case as far as the present Applicant is concerned. Therefore, in these circumstances, the Applicant's custodial

interrogation is not justified. It is sufficient if he attends the concerned Police Station and co-operates with the investigation. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No.617 of 2023 registered at Park Site Police Station, Mumbai, the Applicant is directed to be released on bail on his executing 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 on 22nd, 23rd and 24th April 2024 between 01.00 p.m. to 05.00 p.m. and thereafter as and when called.
- (iii) The Application stands disposed of according

(SARANG V. KOTWAL, J.)