

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1253 OF 2024

YUGANDHARA
SHARAD
PATIL

Raj Hiralal Shah

.... Applicant

Versus

The State of Maharashtra

.... Respondent

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Mr. Shadab Khopekar, for the applicant.

Ms. Rajeshree V. Newton , APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 6th MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 46 of 2024 registered at Charkop Police Station, Mumbai, on 20/01/2024 under Sections 406, 420 of the Indian Penal Code.

2. Heard Mr. Khopekar, learned counsel for the Applicant and Ms. Rajeshree Newton, learned APP for the Respondent-State.

3. The FIR is lodged by one Pradipkumar Solanki. He has

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stated that in the year 2021, the informant and his son-in-law were in search of a room in Kandivali, Borivali area. One Ashok Golani introduced them to the present Applicant and told the informant that the Applicant had acquaintance with MHADA authorities and that he was in a position to get MHADA rooms. The informant, his son, son-in-law and the informant's wife went to the Applicant's house at Kandivali and discussed about the purchase of rooms. At that time, the Applicant told the informant that the Applicant was working in Mantralaya and he had good connection in MHADA office. He further told the informant that MHADA was constructing a building in Mahavir Nagar, Kandivali and that he would get rooms for the informant from the Chief Minister's quota at lesser price. He further represented that the informant would get rooms admeasuring 475 sq ft for Rs. 33 lakhs each. The informant, his son-in-law and son decided to purchase one room each. The Applicant demanded Rs. 2 lakhs as process fee. He got one form filled by the informant. That form had a stamp of the Chief Minister, Government of Maharashtra, Mumbai. The FIR thereafter goes on to mention various amounts which the

informant and his son-in-law paid to the Applicant through cheques and cash. One cheque was deposited in the Applicant's wife's account. The informant and his son-in-law in all gave Rs. 17,50,000/- to the Applicant. In November 2021, the informant received a letter mentioning that the room allotted to him was cancelled. The informant contacted the Applicant and asked about the letter. At that time, the Applicant assured the informant that he would get another room for him. But after that, no room was given to the informant and others. The Applicant misappropriated Rs. 17,50,000/-. The FIR mentions that similar to the informant other victims were also cheated. Six such names are mentioned in the FIR. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant himself had invested in that scheme for getting a room for himself at a lesser price. He had acted at the behest of one Mahendra Gore. The Applicant is not the offender but that Mahendra Gore has committed this offence. Learned counsel relied on a letter dated 09/04/2018 addressed to the Hon'ble Chief

Minister by the Applicant in which he had asked for sanctioning one room at Kandivali from Chief Minister quota.

5. Learned APP opposed these submissions. She produced investigation papers before the Court. They contain bank statements of the Applicant and his wife as well as statements of other victims. She submitted that the Applicant was never employed in Mantralaya. All these representations were fraudulent.

6. I have considered these submissions and I have perused the investigation papers. There are statements of other witnesses namely Umesh Kamble, Abhinav Vishwakarma, Payal Pandhere, Jatin Soni, Manisha Sabale and Prakash Kolekar. Learned APP submitted that the total misappropriation was to the tune of Rs. 93 lakhs. Thus it can be seen that the entire representations were fraudulent. All these victims were cheated. All these amounts were misappropriated. The case of cheating and misappropriation is clearly made out. Based on these representations, all these victims have suffered heavy monetary

loss. There are many victims. In these circumstances, custodial interrogation of the Applicant is absolutely necessary. No case for grant of protection under section 438 of Cr. PC. is made out. The Application is rejected.

(SARANG V. KOTWAL, J.)