IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3062 OF 2023

Vishal Sing Hari Biraje .... Applicant

versus

State of Maharashtra & Anr. .... Respondents

…....

- Mr. V. F. Momin, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.534/2023, dated 11/07/2023, registered with Satara City Police Station, Satara, under sections 420 r/w 34 of the Indian Penal Code.

2. Heard Mr. V. F. Momin, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

3. The FIR is lodged by one Umesh Bhoite. He has stated that he was in the business of sale and purchase of plots at Satara and he used to advertise his business. In February 2020, the Applicant contacted him telephonically. He had various meetings with him. The Applicant impressed upon the informant that the Applicant was having a huge amount of Rs.23,000 Crores. It was sent to him by a company in Germany. That amount was already deposited with the Reserve Bank of India and if the charges at 0.05 % were paid, the same would be given to his company's account. He also showed him one letter purportedly issued by RBI. The Applicant was after the informant to pay some amount. The Applicant told him to make arrangement for Rs.10 lakhs and that the Applicant would give him a project of Rs.100 Crores. On some pretext or the other the Applicant extracted various amounts from the informant on such similar fraudulent representations. The FIR mentions that the informant and his friend paid Rs.93,65,000/- to the Applicant. On one occasion, the Applicant had brought one officer purportedly to be an officer of RBI, but he was also an imposter.

In short, by making fraudulent representation, the Applicant extracted this amount from the informant.

4. Learned counsel for the Applicant submitted that the amount was taken upto November 2022 and the FIR is lodged in July 2023. That delay has remained unexplained. This is a vexatious FIR filed with malafide intention. There were business relations. The informant has not given any amount. He submitted that it is mentioned that the letters and messages sent by the Applicant on WhatsApp were deleted and therefore there is no proof that the informant had received copies of the forged documents on WhatsApp. He submitted that the Applicant deserves protection of anticipatory bail.

5. Learned APP opposed this application. She produced important investigation papers before the Court. She submitted that there are bank entries showing that the money has gone into the Applicant's account through the account of the first informant and his friend. Learned APP produced a copy of

authority letter dated 15/03/2019 purportedly issued by the RBI in the name of the present Applicant, wherein there is a reference of remittance of Rs.5,000 crores through Foreign Exchange Department of RBI in favour of the Applicant for which he had to pay the amount at the rate of 0.05 % for foreign remittance. The investigating agency has verified this letter. The said letter bears the seal of the General Manager of Reserve Bank of India. On investigation and on seeking information from RBI, it was informed to the investigating agency that those documents are completely fraudulent documents and RBI has not issued any such documents.

6. I have considered these submissions. The investigation reveals that it was a completely fraudulent representation made by the Applicant based on fraudulent documents to the informant. It is quite clear that the informant fell prey to the representation made by the Applicant and paid a huge amount to the Applicant, which he ultimately lost. The documents assume importance as the Applicant has forged the letters and

seal of the Government office. The matter requires serious investigation and custodial interrogation of the Applicant is a necessity. In this view, no relief under section 438 of Cr.P.C. can be granted to the Applicant. The application is rejected.

(SARANG V. KOTWAL, J.)