

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

ANTICIPATORY BAIL APPLICATION NO.404 OF 2024

Lloyd Walter Carvalho Applicant
versus
State of Maharashtra & Anr. Respondents
.....

- Ms. Manjiri Parasnis i/b. Prakash J. Salsingikar, Advocate for Applicant.
- Ms. Ranjana D. Humane, APP for the State/Respondent.
- Ms. Sartaj Shaikh, Advocate for Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 23rd JULY, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.111/2023, dated 25/05/2023, registered with Naigaon Police Station, Mira-Bhayandar, Vasai-Virar, under sections 420, 406, 506 r/w 34 of the Indian Penal Code.
2. Heard Ms. Manjiri Parasnis, learned counsel for the Applicant, Ms. Sartaj Shaikh, learned counsel for the Respondent No.2 and Ms. Ranjana D. Humane, learned APP for the State.
3. The FIR is lodged by one Samar Abbas. He has stated that he was in the business of land developing and building. One

Paresh Sawant introduced him to the present Applicant, who in turn told the first informant that the land was available at survey No.34 at Vasai. The informant went to see the land. He agreed to purchase that land admeasuring 134.50 R out of the total land for Rs.14,45,87,500/-. The FIR goes on to mention various occasions on which the amount of Rs.1,39,50,000/- was transferred in favour of the Applicant and the land owner Kukibai Chadna. It was revealed that various litigations were pending before different forums. The informant was kept in the dark and the amount was misappropriated. On this basis, the FIR is lodged.

4. The Applicant had filed affidavit dated 01/04/2024 in which he had mentioned that he was ready and willing to deposit Rs.79 lakhs which had come to his share in this transaction to the first informant within four weeks. He had given a schedule. As per that schedule he was to pay Rs.15 lakhs on 25/04/2024 and subsequently on three occasions, in next three months he had to complete the said payment. The Applicant had given a cheque of Rs.15 lakhs for complying with the schedule on 25/04/2024. The said cheque was dishonoured.

5. Learned counsel for the Applicant in view of the dishonour of the cheque deposited in this Court, does not press this application as she cannot justify the dishonour of the cheque.
6. I have considered these submissions. In any case, on merits there are serious allegations against the Applicant. The FIR clearly shows how huge amount was taken from the first informant and as to how the said amount was misappropriated. In the affidavit filed voluntarily by the Applicant, it was mentioned that Rs.79 lakhs had come to his share. Thus, it is clear that the offence is made out and the Applicant's custodial interrogation is necessary.
7. As the cheque deposited by the Applicant before this Court was dishonoured, it is clear that he has acted dishonestly. Considering the merits of the matter and the conduct of the Applicant, I am not inclined to allow this application. The application is rejected.

(SARANG V. KOTWAL, J.)