

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.1720 of 2024

Pushkar Rajan Sonar

Age:26 years,

Occ: Business, R/at 9/2,

Sakaram Sodawala Chawl, Old

Fish Market road, Bhoiwada,

Kalyan West, Dist: Thane

... Applicant.

v/s.

The State of Maharashtra

through CBD Belapur Police Station ... Respondent.

....

Mr Irfan A Shaikh for the Applicant.

Mr Nitin B Patil, APP, for Respondent State.

API Sandeep V Mane, CBD Belapur Police Station, Navi
Mumbai, is present.

....

Coram : R.N. Laddha, J.

Date : 27 June 2024

P.C. :

Heard Mr Irfan Shaikh, the learned Counsel for the
applicant, and Mr Nitin Patil, the learned Additional Public
Prosecutor representing the respondent/ State.

2. The applicant, who is apprehending arrest in CR No.16 of
2024, registered at CBD Belapur Police Station, Navi Mumbai,

for the offences punishable under Sections 406, 420, 465, 468, 471 read with 34 of the Indian Penal Code.

3. The applicant and the co-accused are accused of defrauding the informant by accepting a significant sum of money under the pretext of providing employment in Dubai.

4. Mr Irfan Shaikh, the learned Counsel appearing on behalf of the applicant, submits that the applicant is not the beneficiary. The applicant introduced the informant to the co-accused, but no role has been attributed to him in the alleged crime. The applicant is ready to cooperate with the investigation.

5. Mr Nitin Patil, the learned Additional Public Prosecutor representing the respondent/State, submits that the applicant and a co-accused deceived the informant and received over Rs.2,00,000/- in his account. The ongoing investigation has revealed that few others have raised similar grievances against the applicant. The applicant actively participated in the commission of the crime. The applicant, along with the co-accused, cheated other persons also in the similar way.

6. It is a settled principle in law that the power to grant anticipatory bail application is extraordinary. While it has been acknowledged in many instances that regular bail is considered a

general rule, the same cannot be said for anticipatory bail. The decision to grant anticipatory bail should be exercised with careful and prudent discretion by the Court, considering each case's specific circumstances. While exercising this power, the Court must exercise caution, as granting protection in serious cases could potentially lead to a miscarriage of justice or hinder the investigation by allowing tampering or destruction of evidence. All these aspects are highlighted in ***Shrikant Upadhyay and Ors. v. State of Bihar & Anr.***¹

7. Upon perusing the record, it appears that the applicant received over Rs.2,00,000/- from the informant in his bank account. The material on record *prima facie* suggests that the applicant enticed the informant with promises of a job in Dubai. Initially, the applicant was sent to Dubai, but the promised job was not provided. Subsequently, the applicant and the co-accused sent the informant to Iran, where he was required to stay at his own expense for a considerable period. Frustrated by the lack of employment opportunities, the informant returned to India. The applicant's role was that of an agent, and the material on record *prima facie* indicates the applicant's involvement in the crime. The investigation is at a nascent stage, and the applicant's custodial interrogation would be necessary.

1 2024 SCC OnLine SC 282.

8. In light of the foregoing, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the present application stands rejected.

[R.N. Laddha, J.]