

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

Anticipatory Bail Application No. 2574 of 2024

Satyavrat Raghvendra Tripathi
Aged 41 years, Occ. Business,
R/at. 107/108, Marathon Monte
Vista, L.B.S. Road, Mulund (W),
Mumbai – 400 080.

Presently lodged at Arthur Road Jail

..Applicant

Vs.

The State of Maharashtra

(At the instance of Powai Police Station,
C. R. No. 511 of 2020)

..Respondent

Ms. Misbaah Solkar, for the Applicant.

Mr. Yogesh Y. Dabke, APP for the Respondent/State.

API Survase, Powai Police Station, Mumbai, is present.

Coram : R. N. Laddha, J.

Date : 18 September 2024

P.C.

Heard Ms Misbaah Solkar, the learned Counsel for the applicant and Mr Yogesh Dabke, the learned Additional Public Prosecutor representing the respondent / State.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.511 of 2020,

registered at Powai Police Station, Mumbai, for offences punishable under Sections 406 and 420 read with 34 of the Indian Penal Code.

3. The complainant claims that he wanted to establish a multiplex but lacked the necessary funds and hence, he approached the applicant for investment. According to the complainant, he paid Rs.50,00,000/- to the applicant to secure an investment of Rs.25,00,00,000/- for his business. However, the complainant alleges that the applicant neither secured the investment nor refunded Rs.50,00,000/-.

4. Ms Misbaah Solkar, the learned Counsel for the applicant, submits that the co-accused, Sameer Javed Baksh, introduced the applicant to the complainant. The applicant did not persuade the complainant to invest the funds. The applicant transferred Rs.48,50,000/- to the account of Sameer Baksh, and the remaining Rs.1,50,000/- was paid in cash to Minakshi Acharya and therefore, the applicant is not liable to pay any amount to the complainant. The dispute is of civil nature and no ingredient of any criminal offence has been made out in the FIR.

5. Upon perusing the records, it is evident that this is the

second pre-arrest bail application, with the first one having been rejected on 13 March 2023, before the charge sheet was filed. The present application was submitted on 11 September 2024, indicating a significant and unexplained delay since the rejection of the first application. Furthermore, the records show that the agreement was primarily between the applicant and the complainant. The complainant transferred the money directly to the applicant's account, not through Sameer Baksh. The applicant appears to have received and benefited from the sum of Rs.50,00,000/-. Although the applicant claims to have transferred this amount to the account of Sameer Baksh, it was subsequently re-transferred to the applicant's account, with no explanation provided for this re-transfer. It appears that the applicant is not cooperating with the investigation, and despite the rejection of the first application, filed the second application after about one and half years later and remains unavailable for investigation. *Prima facie*, there is sufficient material to implicate the applicant in the present crime. In these circumstances, this Court is not inclined to exercise discretion in favour of the applicant. Accordingly, the application stands rejected.

[R.N. LADDHA, J.]