IN THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No.2756 of 2024

Bharati Brijendramohan Bhushan
Aged about 63 yaers, Occ.:Retired,
Indian Inhabitant of Panvel,
Residint at Room No.301,
Konark River City, Koproli,
Panvel, Dist.Raigarh-410206. ... Applicant.

Vs.

1. The State of Maharashtra
2. Sr. PI of Vile Parle Police Station Mumbai. ... Respondents.

Mr MP Mishra for the applicant.
Mr Amit Palkar, APP for respondent/State.

Coram : R.N.Laddha, J.
Date : 8 October 2024.

P.C. :

Heard Mr MP Mishra, the learned Counsel for the applicant and Mr Amit Palkar, 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.710 of 2024, registered at Vile Parle Police Station, Mumbai, for offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. It is the case of the prosecution that the complainant had known the applicant from their workplace for the past 15 years. Upon retiring and receiving a gratuity, the complainant invested it in a Senior Citizen Bank account for better interest rates. In 2020, the applicant visited the complainant's house, falsely claiming to be an agent of L & T Finance. She convinced the complainant to invest in L & T Finance, promising double returns. After repeated requests, the complainant agreed and transferred Rs.20,00,000/- to the applicant by cheque between August 2020 and December 2020. However, the applicant did not deposit the amount in L & T Finance and instead defrauded the complainant.

4. The learned Counsel appearing on behalf of the applicant, submits that the FIR was filed after about four years from the alleged commission of the offence. It is submitted that Rs.15,00,000/- was not intended for investment in L & T Finance but was instead for the purchase of the applicant's flat. Furthermore, the learned Counsel submits that the on 1 September 2022, the applicant received a notice from the complainant, alleging that Rs.18,00,000/- was paid to the applicant as

consideration for the flat's sale. The notice also mentions that the deal was subsequently cancelled, and although the applicant issued a cheque, it was dishonoured due to insufficient funds in the applicant's account. The complainant, through this notice, warned the applicant of initiating proceedings under Section 138 of the Negotiable Instruments Act.

5. Mr Amit Palkar, the learned APP, submits that the applicant deliberately avoided making the payments mentioned in the FIR. The applicant collected Rs.15,00,000/- from the complainant on the false pretenses, thereby defrauding the informant, and the amount remains unrecovered.

6. Upon perusing the FIR, it appears that the allegations against the applicant are that she received Rs.15,00,000/- from the complainant to invest in L & T Finance, promising double returns. However, the notice issued by the complainant indicates that the amount was accepted by the applicant as consideration for the sale of his flat to the complainant. Now, the FIR alleges that the complainant paid Rs.15,00,000/- for investment in L & T Finance.

Moreover, the investigation is nearing completion. In these circumstances, this Court finds it appropriate to exercise its discretion in favour of the applicant. Hence, the following order.

ORDER

(i) In the event, the applicant is arrested, in connection with CR No.710 of 2024, registered at Vile Parle Police Station, Mumbai, he shall be released on bail, on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required.

(iii) The applicant herself or through any other persons shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha,J.]