

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2223 OF 2023

Damodar Shanmugam Mudaliar	Applicant
versus	
The State of Maharashtra	Respondent

WITH
INTERIM APPLICATION NO.751 OF 2024

Rahul Ramdev Paswan	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Hitesh Patel, Advocate for Applicant.
Mrs.Priyanka S. Rane, APP, for State.

CORAM : ANIL S.KILOR, J.

DATE : 11th June 2024

PC :

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No.424 of 2023, registered with Malad Police Station, Mumbai Suburban District, for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code.
3. In the present matter the allegations are of cheating. The complainant filed the FIR against present Applicant on the ground that he was defrauded by applicant by Rs.62,50,000/- and the Applicant has not paid any amount back to the complainant.

4. I have perused the FIR and it is evident from the record that on 8th August 2023 this Court has granted ad-interim anticipatory bail to the Applicant after considering the allegations made in the FIR. Since then for a period of of about one year the Applicant is on bail and there is no complaint about the misuse of liberty by Applicant.

5. As far as recovery of amount is concerned, the complainant has other remedies available. However, since there is no case made out for custody of the Applicant, more particularly as all the relevant documents have already been seized by Police, I am of the opinion that Application needs to be allowed.

6. Accordingly, Anticipatory Bail Application is allowed. The order dated 8th August 2023 is hereby confirmed.

7. Interim application No.751 of 2024 stands disposed off.

(ANIL S.KILOR, J.)

MST