IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Anticipatory Bail Application No. 2348 of 2024

Vishal Vinod Goswami
Aged 29 years, Indian Inhabitant,
Occ.: Business, (Residing at Flat
No.001, B/65, Ground Floor,
Sector 5, Garuda Shanti Nagar,
Mira Road, Thane - 401 107,
Maharashtra) … Applicant

versus

1. The State of Maharashtra
(At the instance of Mira Road
Police Station vide their C.R.
No.218 of 2024)

2. Ashraf Iqbal Khan
Age 53 years, Occ: Business,
1402/B/Wing, Antariksh Society,
Kanakia Road, Mira Road (East),
Thane … Respondents

With
Interim Application No.3646 of 2024
In
Anticipatory Bail Application No. 2348 of 2024

Ashraf Iqbal Khan
Age 53 years, Occ: Business,
R/at: 1402/B/Wing, Antariksh Society,

Kanakia Road, Mira Road (East),
Thane ... Applicant/ Intervener

In the matter between

Vishal Vinod Goswami
Aged 46 years, Occ.: Service,
Residing at Mira Road East,
Thane - 401107, Maharashtra ... Applicant

versus

The State of Maharashtra
Through Mira Road Police Station
Navi Mumbai ... Respondent

Mr Shadab Khopekar, for the applicant.
Mr Yogesh Y Dabke, APP, for respondent No.1/ State.
Mr Vivek B Rane, for respondent No.2/ intervenor.
API Ramkrishna Bodake, Mira Road Police Station, is present.

Coram: R.N. Laddha, J.
Date: 21 November 2024.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.218 of 2024, registered at Mira Road Police Station, Thane, for the offences punishable under Sections 406, 420 and 500 of the Indian Penal Code.

2. According to the prosecution, the informant, engaged in the business of event management, owns a proprietary firm,

Sols Strings Event Management. In October 2019, the applicant approached the informant to collaborate and assist him in securing private and government events by pretending to be well-connected with ministers. In 2020, the applicant repeatedly urged the informant to pay Rs.13,71,000/- to obtain these business opportunities. Despite the applicant's repeated demands and assurances, the informant did not secure any event, and the applicant returned Rs.3,19,110/-. In February 2021, in the ongoing inquiry in another CR, the informant learnt that the applicant, by editing photographs with ministers, defrauded and cheated him. It is alleged that when confronted, the applicant uploaded a defamatory video on YouTube and filed a false complaint against the informant. These events led to the filing of the FIR.

3. Mr Shadab Khopekar, the learned Counsel for the applicant, submits that the applicant has been falsely implicated in the present crime. The learned Counsel contends that Section 420 does not apply to the present case, and the FIR is a retaliatory action to the applicant's FIR. Further, the applicant is not the beneficiary of the alleged transactions, and his custody is unnecessary as nothing is to be recovered from him.

4. Mr Yogesh Dabke, the learned Additional Public

Prosecutor representing respondent No.1/State and Mr Vivek Rane, the learned Counsel appearing for respondent No.2/ intervenor, jointly oppose the applicant's request for pre-arrest bail and contend that the offence is serious. The learned APP further argues that the applicant lured the informant from the beginning into paying Rs.13,71,000/- intending to cheat by presenting the edited photographs. Mr Dabke, referring to the bank statements, submits that the applicant received the funds and benefited from it. The applicant has similar criminal antecedents, and his custody is required to ascertain the origin of the edited photographs.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. The applicant is accused of deceiving the informant by promising business opportunities and luring him to pay Rs.13,71,000/-. When no events materialised, the informant made an inquiry wherein he discovered that the applicant used edited photographs of ministers to deceive him. Upon confrontation, the applicant allegedly uploaded a defamatory video of the informant on YouTube and lodged a complaint against him. A perusal of the records, particularly the applicant's bank statements, show that the applicant received

Rs.13,71,000/- from the informant through banking channels and refunded Rs.3,19,110/-, but did not return the balance amount. The material on record *prima facie* indicates the applicant's involvement in the present crime. Additionally, the applicant has criminal antecedents, and the possibility of other victims in similar circumstances cannot be ruled out. The applicant's custody is considered necessary to identify those involved in editing the alleged photographs and to fully uncover the alleged fraud.

7. In these circumstances, this Court is not inclined to exercise its discretion in favour of the applicant. Resultantly, the application stands rejected. As a sequel, the pending application also stands disposed of.

(R.N. Laddha, J.)