2025:BHC-AUG:22933

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 ANTICIPATORY BAIL APPLICATION NO. 1039 OF 2025
WITH

CRIMINAL APPLICATION NO. 3078 OF 2025
IN ABA/1039/2025

Jafar Khan Majid Khan ..Applicant

Versus

The State of Maharashtra ..Respondent

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Advocate for Applicant : Mr. D. R. Kale
APP for Respondent : Mr.M.K.Goyanka
Advocate for Informant / assist to PP : Mr.K.D.Khade

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 AUGUST, 2025
PRONOUNCED ON : 22 AUGUST, 2025

ORDER :

1. This is pre-arrest bail application apprehending arrest in crime bearing no.0013 of 2025 registered with Jalgaon City Police Station, District Jalgaon, for the offence punishable under Sections 420, 468, 504, 506, 120-B of the Indian Penal Code.

2. Criminal Application No.3078 of 2025 is filed by the informant seeking permission to assist Public Prosecutor. For the reasons mentioned in the application, the same is allowed and disposed of.

3. Learned counsel for the applicant submits that there is false implication. That, primary allegations are against co-accused. That, applicant is not beneficiary of any amount. That, he was also called at Police Station and he duly attended and even his statement has been recorded. That, subsequently, one of the co-accused gave some statement about money being handed over to the applicant and therefore, applicant is sought to be arrested. That, investigation is almost over. That, there is no incriminating material against present applicant. That, in the light of above, no recovery or discovery is to be made from him and as such custodial interrogation is not necessary. Moreover, applicant is ready to co-operate with the investigating machinery and hence, learned counsel prays for relief of anticipatory bail.

4. Learned APP as well as learned counsel for informant have both strongly opposed application contending that huge fraud has been committed i.e. to the tune over Rs.75,00,000/-.

Learned APP took this Court through Police papers and bank statements to show that applicant is also a beneficiary. According to learned APP, amounts are initially transferred in bogus entity namely “Yash Lawn” and thereafter, amounts are transferred to applicant as well as other accused, who are also said to be instrumental. In this regard, learned APP took this Court through the Police papers. It is pointed out that account is created in the name of “Rahat Motors”. In the said account, transactions of huge amounts are reflected in HDFC Bank statements. Learned APP also took this Court through the statement of brother of applicant and submitted that there is enough material against present applicant to proceed against him and for effective investigation, relief of bail is sought to be denied.

Learned counsel for informant invited attention of this Court to above referred papers as well as the observations of learned trial Court, which has rejected relief of anticipatory bail.

5. After considering the above submissions and on going through the FIR, it is emerging that one Shirin Gulam Ali Amreliwala, a 65 years old Lawyer reported that she was acquainted with Manish Jain, Atul Jain and their mother Yashoda Jain and they were residing in Yash Plaza building and they had a company by name “Yash Builders and Developers Private Limited” of which above three were Directors. Substance of the report is that, above three persons offered informant to invest money and assured handsome return @ 1.5% per month and believing them, it is alleged that informant decided to invest

money and time to time from various accounts, of which details are reflected in the report itself, amount to the tune of Rs.75,00,000/- was transferred to Manish Jain, Bhoomiratnam Real Estate Private Limited, Yash Lawn, through Banks and some times in cash. Informant has claimed that for initial few months, she was given returns, however, it was stopped since February 2023. She claims that, as she was desirous of purchasing a Flat in Mumbai, she demanded the amount, but above persons told that amount is invested with third party and it is yet to be received and on its receipt, it would be returned. However, informant got suspicious and she finally pressed for return of amount, at that time, it is alleged that Manish told her that they have invested amount in a company which does not belong to them and to do whatever she wants. Informant claims that when she made enquiry about company by name “Bhoomiratnam”, it turned out to be a bogus company and therefore, she lodged report against Jain family, present applicant, Vijay Lalwani, Akshay Agrawal, Ketan Kabra for committing breach of trust and cheating.

6. Learned counsel for applicant has stated that applicant has no concern with alleged assurance of huge returns. However, as pointed

out by learned APP, present applicant is also one of the Directors of the company namely “Bhoomiratnam Real Estate Private Limited” wherein amounts taken from complainant were diverted by other accused. In this regard, learned APP has placed on record a copy of “FORM DIR-2 – CONSENT TO ACT AS A DIRECTOR OF A COMPANY” signed by the present applicant on 24-07-2021, which shows that present applicant had given consent to act as Director of “Bhoomiratnam Real Estate Private Limited”. All bank statements of transfer of funds are placed on record.

7. Submission of learned APP that amount is transferred initially to brother of applicant and to one Rahat Motors and subsequently, it is diverted to the accused, has not been refuted or denied by learned counsel for applicant.

8. Several Bank statements are placed on record wherein learned APP has highlighted entries of transfer of amount. *Prima facie* it is emerging that there are bank statements and details of bank transactions of transfer of funds from account of informant to above Firms alongwith Jain brothers. Statement is made across the bar by learned APP that, there exists no companies by name “Yash Lawn” or

"Bhoomiratnam Real Estate Private Limited", but still accounts are opened in its name for transferring funds. Investigation revealed involvement of present applicant also and therefore, he is also shown as one of the accused alongwith others.

9. Learned APP has invited attention of this Court to the signatures of present applicant on documents of "Yash Lawns and Yash Classic Hall", which is under control of Jain brothers. Statement is made by learned APP that, applicant is one of the Directors. Therefore, considering such material, this Court does not find it a fit case to extend any benefit of bail as urged for. Hence, the following order :

ORDER

Application is rejected.

(ABHAY S. WAGHWASE)
JUDGE

SPT