IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3155 OF 2024

Vaibhav Manoj Kumar Jain ….. Applicant

VERSUS

State of Maharashtra & Anr. ….. Respondents

Mr. Nityanand Yadav a/w. Mr. Vaibhav Jain for the Applicant.

Mr. Ajay S. Patil, A.P.P. for the State.

Mr. Sudhanva S. Bedekar a/w. Ms. Ilsa Shaikh for the Respondent No.2.

PSI P. M. Shelke, Naupada Police Station, Thane City present.

CORAM : RAJESH S. PATIL, J.

DATE : 6th FEBRUARY, 2025

P.C. :-

1. This anticipatory bail application has been filed in FIR No. 0803 dated 26th June, 2024 registered with Naupada Police Station, Thane City under Sections 420 and 406 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that the informant is in business of tours and travels running it through proprietorship firm as M/s.Stay Trips Tours & Travels. The present applicant induced the informant to indulge into the business by buying flight tickets from him at a discounted rate. Believing the statement made by the applicant, the informant booked multiple flight tickets for her clients through the applicant at the discounted rate from the year 2022. While dealing with the applicant in the month of February 2024 till May 2024, around 22 tickets were booked by the informant, the amount of which is around Rs.14,05,300/-. The said amount was paid to the applicant. The informant learnt that the applicant was indulged into an activity by which he used to purchase the tickets and thereafter cancel the same. Upon cancellation, he used to send copy of the booked ticket to the complainant and the end customer used to learn, upon arrival at the airport, that the PNR in question does not exist.

3. Furthermore, a sum of Rs.2 lacs was paid to the applicant in order to purchase new tickets on urgent basis. The applicant had promised that he would reimburse the said amount. Since after paying the amount of Rs.16,25,013/-, neither the tickets nor the amount was refunded to the informant. Hence, informant lodged an FIR with the police.

4. On behalf of the applicant, it has been stated that this is a pure commercial transaction between the parties. The applicant has already issued a pre-mediation notice under Commercial Courts Act, 2015. The FIR was lodged within two hours after the complaint was filed. It is not the case of the informant that there was no relationship between the parties. The parties had successful business dealings for two years, and it was only in the month of May 2024, that an dispute arose, due to which on false grounds, an FIR has been lodged. The custody of the applicant is not required, the present anticipatory bail application needs to be allowed. The applicant is ready to co-operate with Investigating

Officer.

5. The learned A.P.P. submits that the informant is not, the only person who has come forward to lodge a complaint with the police. As of today, five more individuals have approached the police and have lodged complaints against the present applicant/accused. It is further submitted by the learned A.P.P. that they are expecting that many other people have been cheated by the *modus operandi* of the applicant and there are many people who will coming before the police to lodge the complaints against the applicant. It is submitted that the applicant's *modus operandi* is that to accept the money in advance show that he booked the tickets and thereafter cancelled the tickets, money is retained by him and not returned to the end customer or to the person who has booked the ticket. Therefore, Section 41A notice under Code of Criminal Procedure,1973 was issued to the applicant. However, the applicant did not attend the police station, neither he sent any reply to the said notice.

Hence, the custody of the applicant is necessary.

6. The *modus operandi* of the applicant is to take money, initially show that the flight tickets, are bought, subsequently not to handover tickets, and also refuse to pay back the monies paid by the informant. The Investigating Officer has submitted that the informant is not the only person who has been cheated in this fashion and there are many other business entities and travel companies who are contacting the police. The informant submitted that total amount of fraud committed by the applicant as of today is Rs.1,31,72,400/-.

7. The applicant is not co-operating with the Investigating Officer. The notice under Section 41A of the Code of Criminal Procedure, was issued to him. However, he has not responded to it, neither he has attended the concerned police station. In such a situation, the custody of the applicant/accused is requires to the police.

8. No case is made out to grant anticipatory bail. This **anticipatory bail application is rejected**.

[RAJESH S. PATIL, J.]