

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3385 OF 2024

Dinesh Baburao Parab

..... Applicant

VERSUS

State of Maharashtra & Anr.

..... Respondents

Mr. Ashish Dubey for the Applicant.

Ms. Rutuja A. Ambekar, A.P.P. for the State.

Mr. Pramod Arjun Wadkar a/w. Ms. Shabana Salmani for the Respondent No.2.

Mr. Nawnath Gaikwad, PI, a/w. Mr. Sunil Sonawane, PSI, Charkop Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 11th FEBRUARY, 2025

P.C. :-

On the last occasion, Mr. Ashish Dubey appearing on behalf of the applicant had sought time to take instructions from the applicant as regards to return back the money to the legal heirs of Mr. Yusuf Jamiluddin Ansari. Today Mr. Dubey submits that the applicant is not ready to pay even a single rupee due to financial

constraint.

2. This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0229 registered with Charkop Police Station, Brihan Mumbai Shahar for the offence punishable under Sections 406, 420, 463, 464, 465, 467, 468, 470 and 471 of the Indian Penal Code, 1860.

3. It is the case of the prosecution that the applicant entered into a fraudulent transaction with the informant Mr. Yusuf Jameeluddin Ansari and his brother Mr. Kamaluddin Ansari. He had possession of the development rights of the property located at CTS No. 368, Vile Parle and induced the complainant's associates to invest Rs.35,00,000/- in the said property. The applicant used forged documents including a development agreement and the power of attorney, to deceive the complainant. The applicant issued six postdated cheques of

Rs.50 lacs as a guarantee, all these cheques on presentation to the bank, were dishonoured. It seems that the applicant has colluded with one Ms.Angelina Nimma to prepare false documents relating to the subject property, despite the fact that the actual owner was M/s. Panom Developers LLP.

4. On behalf of the applicant, it is submitted that false case has been filed against the applicant, Mr.Yusuf Jameeluddin Ansari and his brother had no direct dealing with the applicant and the nature of the dispute is totally civil. There is unexplained delay of eight years in filing FIR. The applicant has upto now co-operated with the police and will further co-operate with the police whenever called for.

5. Learned A.P.P. submits that despite of two notices issued to the applicant under section 41A of the Code of Criminal Procedure, the applicant failed to reply to the same. The substantial portion of the amount has been deposited in the

applicant's wife account. The amounts are still to be recovered.

Hence, the custody of the applicant is necessary.

6. The applicant has received money from late Mr. Yusuf Jameeluddin Ansari and in return for the said money, cheques were handed over which got dishonoured. The amount has been received in the bank account of the applicant. The said amount is to be recovered. Even though, notice under Section 41A of the Code of Criminal Procedure was issued twice to the applicant, however he failed to respond to the same.

7. In such a situation, custody of the applicant would be necessary. Uptil now, from the date of filing of the FIR, there is no protection granted to the applicant.

8. Hence, **this anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]