

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 129 OF 2025
WITH
ANTICIPATORY BAIL APPLICATION NO. 138 OF 2025**

Biju M V S/o. Shri. Vijayan

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

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- Mr. Gajendra Singh Rajpurohit & Mr. Arun Martin for Applicant
- Mr. Mayur S. Sonavane, APP for State in ABA 129/2025
- Ms. Megha S. Bajoria, APP for State in ABA 138/2025
- Mr. Salman Aziz for Complainant
- Mr. Thombare, API, Sakinaka Police Station, Mumbai.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 20, 2025

P. C.:

1. Heard learned Advocates appearing for the parties.

ABA 129/2025:-

2. Applicant has filed affidavit dated 18.01.2025 regarding the controversy which has arisen due to filing of two Anticipatory Bail Applications by two different Advocates. As per his affidavit, ABA No. 129/2025 is allowed to be withdrawn and disposed of as such.

ABA 138/2025:-

3. Heard Mr. Rajpurohit, learned Advocate for Applicant. I have also permitted Mr. Aziz, learned Advocate for complainant to argue

the issue before me. It is *prima facie* seen that transaction between the parties is in respect of Rs. 1.53 Crores which has been paid by the first informant / complainant to the Applicant between 27.04.2024 and 31.05.2024. According to Mr. Aziz, learned Advocate for complainant, the said amount was paid in three specific installments of approximately Rs. 48 Lacs, Rs. 49 Lacs and Rs. 45 Lacs after deducting TDS amount. Mr. Aziz would submit that undoubtedly there was relationship between complainant and Applicant and Applicant won the trust of the complainant which persuaded the complainant to part with the money for buying a particular land property in District Idukki in the State of Kerala. What is intriguing is that not only when the aforesaid amounts were paid as delineated herein above, there was also a contract entered into between the parties, *inter alia*, pertaining to shooting of an ad film for Tata Motors Ltd. This shooting took place in Kerala. According to the complainant, when he went to Kerala for shooting of the ad film, Applicant informed him about a particular land property being available over there and persuade him to purchase it for Rs. 1.53 Crore and he assured him that he will act an agent since he had knowledge about the same. Immediately before the amounts were transferred, complainant was shooting for the ad film in Darjeeling where the

Applicant met him once again and convinced him. Both the parties have agreed to this meeting also.

4. Defence of the Applicant before me against the complainant is that there was no such case of the Applicant convincing the Applicant to buy the land property in District Idukki in the State of Kerala. He would submit that if the dates on the invoices which are appended to the Application are seen, then the said amounts which were transferred by the complainant were in fact against the said invoices for the shooting of the advertisement. This case of the Applicant is vehemently contested by the complainant. Complainant's Advocate has informed me that none of the invoices which were given for such a substantial amount has any GST Number and in any such trade the same is required to be there. He would therefore submit that the said invoices are all fictitious.

5. Be that as it may, both the parties shall cooperate with the investigation. Investigating officer will call the complainant and the Applicant and ensure that all documentary evidence, *inter alia*, pertaining to the official transactions are disclosed with respect to the Ad which was shot in Kerala and the details of the monies paid therefore and it will be placed before me. Investigating Officer shall prepare a detailed report and annex to the report all necessary documents in order to enable this Court to ascertain the issue at hand.

In the meanwhile Applicant shall be protected by an interim order. No coercive steps shall be taken against the applicant by the investigation officer in the meanwhile. Applicant shall attend the investigation from 27.01-2024 to 31.01.2024 between 10:00 a.m to 05:00 p.m. along with all the necessary documentary evidence. Equally it shall be open to the complainant to attend the investigation and place any documentary evidence in his realm in so far as he is concerned. After investigation officer ascertains the position as per the documentary evidence, he shall prepare a report which shall be filed in this Court by 05.02.2024. Copy of the report shall be given to the learned Advocates for the parties also.

6. Stand over to **7th February, 2025**. To be placed under the caption "**First on Board**".

[MILIND N. JADHAV, J.]

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