



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.524 OF 2025

TEJAS SHAH

...APPLICANT

VS

STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Mithilesh Mishra for the Applicant.

Adv. Ajay S. Patil, APP for the State.

API Mahesh Mundhe, Malad Police Station.

...

CORAM : RAJESH S. PATIL, J.

DATED : FEBRUARY 28, 2025

P.C.:

1. This is an application filed by the applicant under Section 483 of the Code of Criminal Procedure, 1973 for pre-arrest bail in C.R. No. 483/2024 registered with Malad Police Station for the offences punishable under Sections 420, 419 and 406 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that in the complaint which forms the part of the FIR, the informant had lodged report in May 2022. He came in contact with the present applicant-accused at that time, the applicant had informed him that he is travel agent who organizes tours. Initially, the informant traveled as per the plan given by the applicant-

accused to her destination Leh Ladakh. Subsequently, the accused induced the informant to go for a foreign tour to Australia-New Zealand. The informant paid the requisite amount as sought by the accused. Thereafter, the accused induced the informant to invest money in some another business thereby the huge profit would be earned. He induced the informant to invest a sum of Rs.1,50,00,000/- and within a period of three months, there will be a profit of Rs.23,00,000/-. Which means after an investment of Rs.1,50,00,000/-, the returns would be Rs.1,73,00,000/- However, the said money never came back and the cheques handed over by the applicant-accused were also dishonored on presentation. Therefore, the FIR has been lodged.

3. Mr. Mishra, learned counsel for the applicant submits that the accused never wanted to cheat the informant. In fact, though a sum of Rs.1,57,00,000/- has been received by the applicant-accused, he has already returned Rs.57,00,000/-. Admittedly, as sum of Rs.1,00,00,000/- is still payable. The accused in fact wants to repay the amount of the informant. But since he is in big losses, he is not able to return back the money of the informant. The applicant-accused had huge transaction with Go Air and since, the Go Air company has been wound up, the applicant-accused is not able to collect his monies from the said company. NCLT proceedings are going on against the said Go Air company. The applicant-accused has already intervened in the said

proceedings before the NCLT. Though there are few antecedents against the present applicant, these antecedents are pertaining to the transaction which the accused has undergone because of Go Air. The accused admits that as of today, he had been in jail for one year. But however, no purpose will be served, as again the applicant-accused going behind bars since the accused is ready to co-operate and would pay the entire amount of the informant, once he receives his money from Go Air. He therefore submitted that a lenient view would be taken as the applicant-accused desires to make all his efforts to return back the money. Mr. Mishra, learned counsel for the applicant-accused relied upon two judgments.

1. Satishchandra Ratanlal Shah vs. State of Gujrat And Anr [(2019) 9 SCC 148]

2. Rakesh Brijlal Jain And Ors. vs. State of Maharashtra And Ors.[passed in Cri. Revision Application No.379 of 2016].

4. Learned APP has opposed the said application. There are at least 10 antecedents reported against the present applicant. He has already been in jail for a one year for offences committed by him. He himself is admitting that the amount is payable. But only on the ground that this is a civil dispute, and a criminal Court should not turn into a recovery proceedings. He submitted that the custody of the present applicant is necessary as even the cheques given by the applicant have

been dishonored. Therefore, the present anticipatory bail application would be rejected.

5. I have considered the submissions of both the sides. The fact remains that the present applicant-accused had received a sum of Rs.1,50,00,000/- from the informant and a sum of Rs.50,00,000/- was repaid by him. The applicant in all fairness is ready to repay the balance amount but due to his financial crunch, he is not able to pay the balance amount as he suffered from heavy loss due to Go Air company being bankrupt. The learned counsel for the applicant on instructions submits that as soon as the applicant will receive money from Go Air company from the pending NCLT proceeding, he will repay the balance amount of the informant. According to me, this cannot be the ground on which an anticipatory bail application should be granted since the applicant has not shown any indication of depositing any kind of amount in this Court as of now.

6. The judgment referred by the applicant in the case of **Satishchandra Shah** (supra) was a matter pertaining to quashing of an FIR. That will not have any bearing in the present proceedings which is for pre-arrest bail. The judgment of the Single Bench of this Court referred by applicant in the case of **Rakesh Jain** (supra), the said judgment is pertaining for issuance process in a PMLA case. Therefore, the same would have no bearing on the present proceedings.

7. There are **10 antecedents** reported against the present applicant. The applicant has already been in jail for one year. Considering the factual situation, there is no merits in the present application. According to me, there is no case made out to grant the interim protection to the present applicant. Hence, **anticipatory bail application stands rejected.**

(RAJESH S. PATIL, J.)