



IN THE COURT OF SESSIONS, AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1951 OF 2023  
(CNR NO.MHCC05-006514-2022)

IN

C.R. NO.813/2022  
(POLICE STATION, BANGUR NAGAR)

**Aakash Rambilas Jajoo,** )  
Aged about 31 years, an adult, Occupation : )  
Business, residing at B-903, Meghdhanush Apt., near )  
Surya Kiran, Ghod Dod Road, Surat, )  
Gujarat – 395 007. ) **..Applicant**

Versus

**State of Maharashtra** )  
(At the instance of Bangur Nagar Police Station) ) **..Respondent**

Adv. Ms.Vrushali Padaliya h/f. Mr. Deepender Singh for the applicant.  
APP Mr. Shailesh Pachapohar for the State.

**Coram : His Honour Addl. Sessions Judge,  
Ashish Ayachit  
(C.R.No.8)**

**Date : 1<sup>st</sup> February, 2023.**

**ORDER**

This is an application under Section 438 of Cr.P.C. seeking anticipatory bail in relation with Crime No.813/2022 registered with Bangur Nagar Police Station for the offences punishable under Section 419 and 420 of I.P.C. r/w Section 66D of the Information Technology Act

2. Perused the application and say of Investigation Officer.

3. Heard Adv. Ms.Vrushali Padaliya h/f. Mr. Deepender Singh for the applicant. She submitted that the advocate on record is busy in another court and therefore, requested to pass any appropriate order in the matter. On the other hand, learned Prosecutor Mr. Shailesh Pachapohar strongly opposed the application and submitted that the custodial interrogation of the applicant is necessary for recovery of stolen property, which is cheated from the applicant. He further submitted that his court has granted interim protection to the applicant only because he has shown readiness to pay amount to the informant. Moreover, the informant is ready to accept the said amount. He has taken me through FIR and submitted that the offence is serious in nature, which require detail investigation and therefore, he requested to reject the application. Moreover, the learned APP has brought on record the fact that the applicant/accused has issued cheque of Rs.74,000/- being the part amount of the stolen property to the informant for seeking interim protection but he stopped payment. The learned APP r has filed Pursis alongwith copy dishonoured cheque and written memo issued by the concerned bank.

4. I have given thoughtful consideration to the facts and circumstances and the Roznama of the present case. It seems that without considering any merit, and only relying upon submission of learned advocate for the applicant that applicant is ready to pay amount of the informant and offence being compoundable in nature, the court has granted interim protection. The Roznama further disclosed that every time the applicant remained absent and his advocate Mr. Singh had given cheque to the informant. He made statement before the court.

The learned advocate being the officer of the court, his statement is accepted by the court. Advocate for the applicant has handed over cheque to the informant. But the cheque is returned unpaid for the reasons of stopped payment by the applicant. It shows ill intention of the applicant to cheat the informant again during the proceeding to seek protection from the Court. It is serious act of the applicant/accused. As the offence under section 420 of I.P.C. is compoundable, and therefore, the court has considered the statement of the learned advocate for the applicant but it seems that the applicant is misusing the liberty granted by the court. Without prejudice to these facts, I have considered the application on merit.

5. The applicant being travel agent cancelled Air ticket of the informant and transferred amount of Rs.1,74,000/- in his own account. There is prima facie evidence against the applicant about the involvement in crime. It is a cyber offence, which require detail investigation and for that the custody of the applicant is necessary, Hence the applicant fails to make out a case for grant of anticipatory bail. Accordingly, I pass the following order :

**ORDER**

1. Anticipatory Bail Application No.1951/2022 is rejected.
2. Investigation officer is at liberty to take necessary steps according to law.

Date: 01.02.2023

(Ashish Ayachit)  
Additional Sessions Judge,  
City Civil & Sessions Court,  
Borivali Division, Dindoshi

Dictated by HHJ on : 01.02.2023  
Transcribed on : 01.02.2023  
Signed by HHJ on : 01.02.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

UPLOAD DATE AND TIME : 03.02.2023 5.25 P.M. ATUL SURYAKANT BHOGTE  
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.8)
Date of Pronouncement of Judgment/Order	01.02.2023
Judgment/Order signed by P.O. on	01.02.2023
Judgment/Order uploaded on	03.02.2023