



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO.1900 OF 2022  
(C. R. No.1079/2022 of Powai Police Station )**

Badal Sharma S/o. Deepak Sharma, ]  
Age 33 years, Occ: Astrologer, ]  
Address : 1182, Ranjit Nagar, ]  
Near Gurudwara Sahib, Sec-11, Kharar, ]  
SAS Nagar (Mohali), ]  
Punjab 140 301. ] ...Applicant

Versus

State of Maharashtra, ]  
(Through Powai Police Station) ] ...Respondent

Ld. Adv. Sunil Kumar Tiwari for applicant.  
APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,  
Additional Sessions Judge,  
Court Room No.10.**

**Date : 01<sup>st</sup> December, 2022**

**ORAL ORDER**

1. The present application is filed by the applicant under section 438 of the Code of Criminal Procedure 1973 for granting Anticipatory Bail in connection with Crime No.1079 of 2022, registered with Powai Police Station for the offences punishable under Sections 420, 406 r/w. 34 of IPC.

Brief facts of the prosecution case are as under :

2. It is alleged by the complainant Dhanji Ambavi Patel that he is residing at Andheri (E), Mumbai since last 15 years with his wife and children. It is submitted that around 12-13 years ago, there was relation of his wife with a person namely, Paresh Gada. When he came to know, he settled the matter between them. After that arguments took place between him and his wife on petty reasons. It is further submitted that in current year, on the occasion of Diwali, for distribution of Diwali Bonus to staff and workers and for some other expenses, total cash amount of Rs.35,00,000/- kept by him in cupboard of the house on 13.10.2022. His wife Smita knew about the said cash. After 5 days on 18.10.2022, when complainant needed some money, he search the cash in the cupboard, but he could not find the same. After that he asked about the said money to his wife but his wife Smita gave vague answers. After that he along with his elder brother took his wife in confident and made inquiry about the said amount, at that time, she stated that "due to frequent arguments and quarrels between them at home and because he is acting according to the instructions of brothers and family members, complainant not dealing with her properly", therefore, she tired from all these things. After that she was introduced with Astrologer Badal Sharma (i.e. applicant) through instagram. The applicant assured Smita that by way of Black Magic, the complainant will listen her. After that Smita told the said thing to her friend Paresh Gada and has given cash of Rs.35,00,000/- and her gold jewellery including Mangal Sutra, Bangles, Nakeless etc., and the said amount and jewellery given by Paresh Gada to the applicant, therefore, complainant realised that applicant defrauded his wife Smita by taking

property worth of Rs.35,00,000/- cash and jewellery of Rs.24,00,000/- i.e. total amount of Rs.59,00,000/- and misappropriated the said amount. Hence, he lodged the report against the applicant and Paresh Gada at Powai Police Station by which crime No.1079/2022 registered against the applicant and Paresh Gada.

3. Ld. Advocate for applicant submitted that applicant is innocent and has no concern with the alleged crime. He is in the profession of Astrology. He is falsely implicated in this crime. There is no criminal antecedents against him. Neither he will abscond nor tamper any evidence of prosecution. He is ready to co-operate in investigation. Hence, prayed that he be released on pre arrest bail.

4. On the other hand, the Ld. APP raised strong objection in view of reply at Ex.2 and submitted that during the investigation, I.O. arrested Paresh Gada, who stated that he transferred several amount in the name of applicant-Badal Sharma and others namely, Vijay Kumar Bhargav, Hariram Bhargav, Dayanand Bhargav etc. He further stated that he transferred the amount to the account of applicant. He further stated that he received Rs.35,00,000/- cash from Smita and also received gold jewellery and the same is mortgaged to Gold Smith Ashok Jain and Atish Patil. It is found that he has transferred Rs. 41,76,500/- in the bank account of applicant Badal Sharma and other persons as mentioned above, but Paresh Gada could not give any explanation about remaining amount of Rs.9,73,500/- therefore, it is alleged that Paresh Gada misappropriated the said amount. Ld. APP submitted that Paresh Gada has transferred RS.25,81,500/- through ATM Cash deposit money and transfer or deposited Rs.4,90,000/- in the bank account of

applicant in State Bank of India, therefore, total amount of Rs. 30,77,500/- deposited in the account of applicant by Paresh Gada. It is further found that Rs. 10,99,000/- transferred in the name of Gautam Bhargav, Vijay Kumar Bhargav, Dayaram Bhrgav, Hariram Bhargav, who are the associates of the applicant. It is submitted that applicant originally residing at Punjab and other associates residing at Jaipur, Rajasthan. They have cheated the wife of complainant and misappropriated the aforesaid amount. If he is released on pre arrest bail, he will abscond and the aforesaid amount will not be recovered. Hence, prayed for rejection of the application.

5. Considering the submission of both sides and gone through the record, it appears that applicant is involved in Crime No. 1079/2022, registered at Powai Police Station for the offences punishable under Sections 420, 406 r/w. 34 of IPC. It appears that crime registered against the applicant and other accused Paresh Gada. It also appears that Paresh Gada arrested. He gave details about cash of Rs.35,00,000/- received from wife of complainant and also stated that he received gold jewellery. He also stated that in what manner he has transferred money in the account of applicant and others, therefore, it appears that at about Rs,30,77,500/- was transferred in the account of applicant and Rs.10,99,000/- transferred in the account of associates of the applicant. The aforesaid amount and remaining amount yet to be recovered. It appears that investigation is at initial stage and there is progress. Furthermore, the aforesaid amount yet to be recovered form the applicant. If he is released on pre arrest bail, he will pressurise the complainant and other witnesses. There is also possibility to flee from justice or abscond, if applicant is released on pre arrest bail, such

possibility cannot be ruled out. In view of aforesaid reasons, there is no case made out to grant pre arrest bail in favour of the applicant. Hence, I proceed to pass following order.

**ORDER**

Anticipatory Bail Application No.1900 of 2022, filed by applicant Badal Sharma S/o. Deepak Sharma, in connection with C.R. No. 1079/2022, registered at Powai Police Station for the offences punishable under Sections 420, 406 r/w. 34 of IPC is hereby rejected and disposed of accordingly.

Dictated and pronounced in open Court.

Dt. 01/12/2022	<p style="text-align: center;"><b>(M.I. LOKWANI)</b> Additional Sessions Judge, Borivali Div., Dindoshi, Mumbai</p>
Dictated to steno on	: 01/12/2022
Transcribed by steno on	: 01/12/2022
Checked & Signed by HHJ on	: 05/12/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 05.12.2022 AT 04.50 p.m. NAME OF STENOGRAPHER PRASAD S. TARE	
Name of Judge (with Court room no.)	HHJ Shri M.I. Lokwani, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	01/12/2022
JUDGEMENT/ORDER signed by P.O. on	05/12/2022
JUDGEMENT/ORDER uploaded on	05/12/2022