



**IN THE COURT OF SESSIONS AT DINDOSHI  
(BORIVALI DIVISION), GOREGAON, MUMBAI  
ANTICIPATORY BAIL APPLICATION NO.1930 OF 2022  
(C. R. No.1116/2022 of Powai Police Station )**

**Mr. Jayesh Gurunath Mhatre,** ]  
An adult, Indian Inhabitant, ]  
Age 42 years, Occ : Nil, ]  
R/a. 1 Rashmi CHS, Near Swagat Hotel, ]  
Castol Mall Circle, Ulhasnagar, ]  
Dist : Thane. ] ...Applicant

Versus

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

Ld. Adv. B.A. Patel for applicant.  
Ld. APP Usha Jadhav for State.

**CORAM : SHRI M.I. LOKWANI,  
Additional Sessions Judge,  
Court Room No.10.  
Date : 19<sup>th</sup> December, 2022**

**ORAL ORDER**

1. This application filed by applicant Jayesh Gurunath Mhatre, under Section 438 of the Code of Criminal Procedure 1973, for granting anticipatory bail in connection with Crime No.1116/2022 registered at Powai Police Station for the offence punishable under Sections 420 and 406 of IPC.

The brief facts of the prosecution case are as under :

2 It is alleged by the Complainant Smt. Sandhya Ashok Sheth that she along with her friend Priti Patel started business under the name as Tenet Media Corpn. Pvt. Ltd. She was operating the said business from home. She and her friend were doing the work of printing from applicant, who is having his vision Art and Advertising and Printing LLP. The complainant acquainted with applicant since 12 years. They were good friends. In February, 2022, the applicant Jayesh made an offer to the complainant and her friend to do the business in partnership. He stated that he got a contract from Haryana Government for preparing Video but he has not sufficient funds, therefore, the complainant agreed to complete the contract and agreed net profit as 60:40%. The applicant asked for payment of Rs.30,00,000/- from complainant for work order. The complainant and her friend gave total Rs.16,50,000/- as an advance to the applicant for work order. The applicant represented that within 15 to 30 days work order will receive for preparing video for Haryana Government. However, the said contract not received, therefore, the complainant and her partner asked to refund amount of Rs.16,50,000/- to the applicant but applicant gave only Rs.2,50,000/- and remaining balance of Rs.14,00,000/- not returned till date. It is submitted that inspite of repeated request, the applicant gave cheque of Rs.5,50,000/- but the said cheque was dishonoured when it was deposited in the bank. It is alleged by the complainant that she and her friend realized that applicant cheated them to the tune of aforesaid amount. Hence, complainant approached to Powai Police Station and lodged the report by which crime No. 1116/2022 registered against the applicant.

3. The Ld. Advocate for applicant submitted that the allegations made against him are false. There is a breach of contract and dispute is of civil nature. It is submitted that he has already paid Rs.2,50,000/- to the complainant. The complainant and her friend have taken bank security cheque of the applicant without intimating him and deposited the said cheque in Bank, therefore, the said cheque was dishonoured. It is submitted that applicant did not represent to the complainant and her friend. He is innocent and falsely implicated in this crime. The allegations made against him are false. He is ready to abide any condition imposed upon him. Lastly prayed for allow the application.

4. On the other hand, the Ld. APP raised strong objection in view of reply at Ex.2 and submitted that applicant has cheated the complainant and her friend and till date the amount of Rs.14,00,000/- not returned. The said amount yet to be recovered from the applicant. Notice issued to the applicant under Section 41(A)(1) of Cr.P.C. but he neither appear before Police Station nor co-operating. If the applicant is released on bail, he will destroy the material evidence and there is possibility of abscond. It is further submitted that if applicant is released on bail, he will pressurise the complainant and witnesses. 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. 1116/2022 of Powai Police Station, for the offences punishable under Section 420 and 406 of IPC. It appears that it is not in dispute that applicant and complainant known to each other since 12 years. They agreed to performed contract and agreed to divide net profit between them. However, applicant received Rs.16,50,000/- from the complainant as an

advance for work order, but the work order not received by the complainant. It appears that till date the applicant has not paid balance amount of Rs.14,00,000/- to the complainant and her friend nor given any work order which itself shows there is complicity of the applicant in this crime. The investigation is at initial stage and it is in progress. If applicant is released on bail, there is possibility of abscond and there is also possibility to pressurise the complainant and witnesses. Anticipatory Bail is discretion of the Court and it cannot be claimed as of right. Considering the aforesaid conduct of the applicant and in view of aforesaid reasons, it appears that there is no such case made out for grant of Anticipatory Bail, hence I proceed to pass following order.

**ORDER**

Anticipatory Bail Application No.1930 of 2022 filed by the applicant Jayesh Gurunath Mhatre, in connection with Crime No.1116/2022, registered at Powai Police Station for the offence punishable under Sections 420 and 406 of IPC, is hereby rejected and disposed of accordingly.

Dictated and pronounced in open Court.

**(M. I. LOKWANI)**

Additional Sessions Judge,  
Borivali Div., Dindoshi, Mumbai

Dt. 19/12/2022

Dictated on : : 19/12/2022  
Transcribed by steno on : : 19/12/2022  
Checked & Signed by HHJ on : : 19/12/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOAD DATE AND TIME 20.12.2022 AT 04:30 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	19/12/2022
JUDGEMENT/ORDER signed by P.O. on	20/12/2022
JUDGEMENT/ORDER uploaded on	20/12/2022