

MHCC050067502022



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

ANTICIPATORY BAIL APPLICATION NO.2023 OF 2022

IN

C.R.NO. 946 OF 2022

- 1) Mr. Sanjay Kumar Kejriwal
Age 47 years, Occ : Business
- 2) Mrs. Poonam Sanjay Kejriwal
Age 45 years, Occ : Business
- 3) Mr. Yash Sanjay Kejriwal
Age 18 years, Occ : Student

All R/at : Club Town, 3/2 B,
Tegariya Rajarhat Gopalpur,
Uttarparangana, Kolkata,
West Bengal – 700 052
Mob : 9831087351

.....Applicants

V/s.

The State of Maharashtra
(At the instance of Charkop Police Station, Mumbai)

.....Respondent

Adv. Mr. Mukesh Sharma for applicants.
APP. Mr. Mahajan for State/respondent.
Adv. Mr. V. K. Dubey for intervenor.

**CORAM : H.H. Additional Sessions Judge,
Shri S. N. Salve.**

Court Room No.15.

Date : 28th December, 2022

ORAL ORDER

This is an application Under Section 438 of the Code of Criminal Procedure for grant of bail in anticipation of arrest in Crime No.946/2022 registered with Charkop Police Station for the offences punishable Under Section 120(B), 406, 420, 467 and 471 of the Indian Penal Code.

2. In short, it is the contention of the applicants that the applicant Nos.1 and 2 are the husband and wife and engaged into the business and applicant No.3 is the son of applicant No.1 and 2. They are law abiding citizens of Indian and residing at the address mentioned in the clause title of the application. They contended that they have been falsely implicated in the aforesaid crime registered with Charkop Police Station at the instance of FIR lodged by the informant with the allegations that the applicants entered into MOU, opened medical shop in the name of Yash Wellness and without entering into actual contract, sold franchisee to about 43 different persons in Kolkata city and received funds and thus the applicants have cheated the informant and the company to the tune of Rs.6 crores. According to the applicants, the applicants lodged complaint with the police, however no cognizance was taken by the police. The applicant No.2, therefore, filed complaint under section 156(3) of Cr. P. C. before the ACCM, Jorabagan, Kolkata and the Court passed the order directing to register the FIR against the informant under the relevant sections of the IPC. The informant approached the Court of Additional District and Session Court for grant of anticipatory bail which came to be rejected by order dated 06.06.2022. The Hon'ble High Court, Kolkata has also rejected the anticipatory bail application by order dated 18.07.2022. Therefore,

the false FIR came to be registered against the applicants. According to the applicants, their custodial interrogation is unwarranted. They are ready to co-operate to the police in the investigation. They are permanent residents of Kolkata and there is no likelihood of absconding if they are enlarged on bail. Lastly, they prayed that they be released on bail in anticipation of their arrest.

3. The prosecution has strongly opposed the application by filing reply contending that the applicants by forging the documents and the seal of the company, they have cheated the company to the tune of Rs.4 Crores 80 Lakhs. The amount and the forged documents are to be seized at the instance of the applicants. The investigation of the crime is going on which is at very crucial stage. The prosecution, therefore, prayed for rejection of bail application.

4. The intervenor filed written argument (Ex.5) wherein it is stated that the applicants have cheated to the company to the tune of Rs.4 crores 80 lakhs. The said amount and forged documents are to be recovered. The intervenor, therefore, prayed for rejection of the bail application.

5. I have heard the learned advocate for the applicants, Ld. APP for State and the Ld. Advocate for the intervenor.

6. Having heard the the learned advocate for the applicants, learned APP for State and the learned Advocate for the intervenor, I have gone through the bail application, say filed by the

prosecution, written submissions tendered by the intervenor and copy of FIR placed on record. Admittedly, the applicants are apprehending their arrest in connection with the offence under sec. 120(B), 406, 420, 467 and 471 of the Indian Penal Code. It is alleged in the FIR that the applicants approached to the Company for franchisee, the applicants agreed to pay the necessary charges and fees, however without entering into contract the applicants sold franchisee to 43 different persons of Kolcutta city by forging documents and thereby cheated the Company to the tune of Rs.6 crores. It appears that the allegations against the applicants are serious in nature. Huge amount is involved in the crime. As per the say of the prosecution, amount and forged documents are to be recovered. Custodial interrogation of the applicants appears to be necessary for the purpose of investigation. After having considered serious allegations against the applicants, the amount of the cheating involved in the crime and the fact that investigation is going on which is at very crucial stage, I am of the opinion that this is not a fit case to exercise the discretion under Sec.438 of the Cr. P. C.

In the result, the following order is made :-

ORDER

- 1) Anticipatory Bail Application No.2023 of 2022 is rejected.
- 2) Accordingly, Anticipatory Bail Application No.2023 of 2022 stands disposed of.

Dt.28/12/2022

(S. N. SALVE)
Addl. Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi, Mumbai

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

UPLOAD DATE 02.01.2023
AND TIME : 11.15 a.m.

Mrs. T. S. Bhogte
NAME OF STENOGRAPHER

Name of the Judge (with Court Room No.)	HHJ Shri S. N. Salve (Court Room No.15)
Date of Pronouncement of Judgment/Order	28.12.2022
Judgment/Order signed by P.O. on	02.01.2023
Judgment/Order uploaded on	02.01.2023