



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

ANTICIPATORY BAIL APPLICATION NO.2055 OF 2022

IN

(C.R.No.574/2022 of Vanrai Police Station)

Sudhakar Laxman Satam,]
Age 83 years, Occ : Retired,]
Indian Naval Dockyard,]
R/a. Flat No.604, 'I' Wing,]
Timber Green Homes, Ketakipada,]
Before Dahisar Toll Naka, Dahisar (E),]
Mumbai 400 068.] ...Applicant

Versus

The State of Maharashtra,]
(At the instance of Vanrai Police Station.)]
] ...Respondent

Ld. Adv. J.P. Mishra for applicant.

Ld. APP Smt. Poornima Chauhan for the State/respondent.

**CORAM : SHRI A.R. QURESHI
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.06.**

DATE : 10th January, 2023.

ORAL ORDER

1. The applicant namely, Sudhakar Laxman Satam has moved this application under Section 438 of Cr.P.C. seeking directions to release him on Anticipatory Bail, in the event of his arrest in connection with Crime No. 574/2022, for the offences punishable under Sections 406, 420, 465, 468, 471 of Indian Penal Code, registered at Vanrai Police Station.

2. Read application, perused copy of FIR, statement of complainant Mr. Shankey Agarwal dated 07.10.2022 and copy of remand papers wherein accused Kedar Sudhakar Satam has been arrested and produced before Ld. Metropolitan Magistrate. Further perused copy of notice addressed to the applicant Sudhakar Satam under Section 41(A)(1) of Cr.P.C. dated 22.12.2022 issued by Police Authority of Vanrai Police Station.

3. Ld. Counsel Shri J.P. Mishra for applicant had produced on record copy of affidavit of the complainant Shankey Agarwal as consent terms in between complainant and one another co-accused Bela D'Souza, who had agreed to repay the amount in four installments which comes to Rs.4,50,00,000/-, as such, Ld. Counsel Shri Mishra submits that no offence attract as according to him, physical custody of the applicant is not required. No custodial interrogation is required. Hence, submitted to allow this bail application.

4. The investigating officer P.I. Smt. Puri submits that applicant has his own firm called as "Dipali Impex". The applicant is beneficiary and at his account huge amount has been transferred by complainant at the instance of one accused Kedar Satam. Hence, I.O. has strongly opposed this application. I.O. further submits that custodial interrogation of the applicant is needed as investigation is in progress.

5. The complainant Shankey Agarwal also appeared in person before me and he submits that it is a case of fraud as the amount of crores of rupees obtained by the applicant and his son Kedar Satam against whom FIR came to be registered. Hence, he submits to reject this anticipatory bail application.

6. Ld. Counsel for the applicant relied upon citation reported in 2022 **ALL MR (Cri) 3916 in the matter of Sheela Dinkar Pawar V/s. The State of**

Maharashtra. I have gone through the aforesaid citation carefully.

7. Heard Ld. APP Smt. Poornima Chauhan for the State. She also strongly opposed this anticipatory bail application. She submits that huge amount of crores of rupees is involved in the crime, as the applicant has obtained the same from the complainant Shankey Agarwal on the promise that he will arrange to sell the flats at cheap rate and the amount has been transferred to the account of applicant and others as per say of original accused Kedar Satam, against whom FIR is registered. Hence, he submits that without custodial interrogation and physical custody of the applicant, investigation is not at all possible, as it is a case of cheating, fraud, forgery and misappropriation. As such, he submits to reject this anticipatory bail application.

8. No doubt, admittedly, there is no consent terms in between applicant Sudhakar Satam and complainant Shankey Agarwal.

9. I have perused the report of I.O. vide Ex.4 which is in detail and I.O. has strongly opposed this anticipatory bail application.

10. The report of the I.O. i.e. say of prosecution prima facie reveals that applicant had obtained an amount of Rs.2,70,00,000/- which was transferred to his account by the complainant at the instance of original accused Kedar Satam, son of present applicant. The present applicant has withdrawn that amount and disposed of and utilized the same. In such circumstance, I prima facie find that there is serious allegations of cheating, fraud, forgery, misappropriation etc., against the applicant. As such, custodial interrogation of the applicant is required.

11. **Hon'ble Supreme Court in the case of Jai Prakash Singh V/s. State of Bihar, AIR 2012 SC 1676** observed as under :

“Anticipatory Bail being an extraordinary privilege should be granted only in exceptional cases”. However, in the present case at hand, when there are allegations of cheating, fraud, forgery and misappropriation about Crores of Rupees, hence, in such circumstances, having regard to the nature of crime and allegations, I am not inclined to allow this anticipatory bail application. As such, this extraordinary privilege about Anticipatory Bail can not be granted. In such circumstances, it is not a fit case to grant Anticipatory Bail to the applicant. Hence, I pass following order.

ORDER

1. Anticipatory Bail Application No.2055/2022, filed by applicant Sudhakar Laxman Satam, in connection with crime No. 574/2022, registered at Vanrai Police Station for the offences punishable under Sections 406, 420, 465, 468 and 471 of IPC is hereby rejected and disposed of accordingly.
2. Order pronounced in Open Court.
3. Proceeding closed.
4. Parties to act upon the copy of roznama duly authenticated by Court Sheristedar.

Dt. 10/01/2023

Dictated on : 10/01/2023
Transcribed on : 10/01/2023
Corrected on : 13/01/2023
Signed on : 13/01/2023

**(A. R. Qureshi)
Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai**

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Uploaded on : 13/01/2023 at 06.30 p.m.	Name of the Stenographer P.S.Tare
Name of the Judge (with Court room no.)	HHJ A. R. Qureshi (C.R.No.6)
Date of Pronouncement of JUDGMENT/ORDER	10/01/2023
JUDGMENT/ORDER signed by P.O. on	13/01/2023
JUDGMENT/ORDER uploaded on	13/01/2023