

MHCC050066442022



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

ANTICIPATORY BAIL APPLICATION NO.1993 OF 2022

IN

C.R.NO.769 OF 2021

Vikram Bhanu Das,

Aged : 40 years, Occu.:Director,
Residing at :B 5-E, Sucasa Twins,
181, Dr. B.C.Roy Road, Charak Tala,
Rajpur, Sonaruput (M), south-24,
Parganas, West Bengal-700 151.

...Applicant/accused.

V e r s u s

**The State of Maharashtra
(Amboli Police Station)**

...Respondent.

Shri Vinayak Patil, Advocate for the Applicant/accused.
Shri Fazlul Rehman, Advocate for the intervener.
Shri Sachin Jadhav, A.P.P for the State.

**CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.
(C.R.NO.09)
Dt.09th January, 2023.**

ORDER

1. The present application is filed by the applicant/accused for the Anticipatory Bail. Perused the application and say thereon vide Exh.4. Heard the learned advocate Shri Vinayak Patil for the applicant/accused, the learned advocate Shri Fazlul Rehman for the intervener & the learned A.P.P Shri Sachin Jadhav for the State. I have gone through the case papers, say of the police and the documents. It is seen that the present applicant/accused alongwith the other accused alleged to have been committed the offences punishable u/s 406 & 420 r/w 34 of The Indian Penal Code in C.R No.769 of 2021 wherein the offence is registered in Amboli Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant namely Pranabkumar Kumud Ranjan Bishwas Dt.10.12.2021 along with the statements of the witnesses and the documents filed by the parties on record etc clearly shows that the complainant has a company namely Global Force Management Services Pvt. Ltd and having its office at 52/1/A, N.K.Chaterjee Street, Belghadiya, North 24 Paragana, Culcutta who was need of the money in which the present applicant/accused alongwith the other accused met with him who assured to pay the amount of Rs.11,00,00,000/- if the complainant paid the amount of Rs.7,00,00,000/- to them by virtue of the Agreement Dt. 05.04.2021 whereby the complainant paid the amount of Rs.7,00,00,000/- and the present applicant/accused alongwith the other accused received the amount of Rs.7,00,00,000/- from the complainant but the present applicant/accused alongwith the other accused neither paid the said Rs.11,00,00,000/- as agreed but

failed to repay the amount of Rs.7,00,00,000/- . On the contrary, the other accused who is the wife of the present applicant/accused alleged to have been lodged the false report against the complainant wherein the police registered the crime bearing No. 115/2021 u/s 376(D) & 506 of the Indian Penal Code whereby the complainant lodged the report in which the police investigated the matter and recorded the statement of the witnesses etc.

3. Obviously, the report alongwith the statements of the witnesses and the documents clearly shows that the complainant has a company namely Global Force Management Services Pvt. Ltd and having its office at 52/1/A, N.K.Chaterjee Street, Belghadiya, North 24 Paragana, Culcutta who was need of the money in which the present applicant/accused alongwith the other accused met with him who assured to pay the amount of Rs.11,00,00,000/- if the complainant paid the amount of Rs.7,00,00,000/- to them by virtue of the Agreement Dt. 05.04.2021 whereby the complainant paid the amount of Rs.7,00,00,000/- and the present applicant/accused alongwith the other accused received the amount of Rs.7,00,00,000/- from the complainant but the present applicant/accused alongwith the but the other accused who is the wife of the present applicant/accused filed the alleged report bearing crime No. 115/2021 u/s 376(D) & 506 of the Indian Penal Code with intent to grab the said amount of Rs.7,00,00,000/-.

4. No doubt, the offence is serious and the huge amount and several aspects involved in the present case but the present applicant/accused alongwith the other accused seems to be involved in

money laundering whereby the custodial interrogation of the present applicant/accused is indeed essential otherwise the right to interrogate the present applicant/accused by the investigation Officer would be taken away which would certainly affect the case of the prosecution & ultimately the case of the complainant on merit.

5. However, the facts of the case cited by the learned advocate for the applicant/accused bearing *1.Criminal Appeal No.1277 of 2014 between Arnesh Kumar Vs State of Bihar decided on 02.07.2014, 2.Criminal Appeal Nos.2178 to 2182 of 2011 between Sanjay Chandra Vs CBI decided on 23.11.2022, 3.Satender Kumar Antil Vs CBI decided on 11.07.2022 reported in 2022 Live Law (SC)577 & 4.Criminal Petition No. 824 of 2022 decided on 07.02.2022* and the facts of the case in hand are entirely different & thus the principles & ratio laid down by Their Hon'ble Lordships do not assist to the case of the applicant/accused with due respect.

6. In such circumstances, I am of the view that this is not the fit case in which the applicant/accused can be released on anticipatory bail u/s 438 of The Cr.P.C & thus I proceed to pass the following order.

ORDER

The application is hereby rejected.

(A.Z.Khan)

Additional Session Judge,
Borivali Div, Dindoshi,
Mumbai.

Date :- 09.01.2023.

Dictated on : **09.01.2023.**
Transcribed on : **09.01.2023.**
Checked and Signed on : **09.01.2023.**

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

09.01.2023 at 05.50 P.M.
UPLOAD DATE AND TIME

Ashok S. Sugdare
NAME OF STENOGRAPHER

Name of the Judge (With Court room no.)	SHRI. A. Z. KHAN (C.R. NO.09)
Date of Pronouncement of JUDGMENT/ ORDER	09.01.2023
JUDGMENT/ORDER signed by P.O. on	09.01.2023
JUDGMENT/ORDER uploaded on	09.01.2023