

MHCC050061822022



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

ANTICIPATORY BAIL APPLICATION NO.1856 OF 2022
IN
C.R.NO.1327 OF 2022

AMIT KUMAR SARATHE,
Age 34 years, Occu: Business,
R/at : 404, Casa Vista Avenue A2,
Building no.08, Global City,
Agarwal Lifestyle, Virar (W),
Palghar, Maharashtra.

...Applicant/accused.

V e r s u s

The State of Maharashtra
(Samata Nagar Police Station)

...Respondent.

Shri Satyadev Joshi, Advocate for the Applicant/accused.
Smt Archana Pandey, Advocate for the Intervener/Complainant.
Shri Sachin Jadhav, A.P.P for the State.

CORAM : A.Z.KHAN,
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai.
(C.R.NO.13)
Date : 20th 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.5. Heard the learned advocate Shri Satyadev Joshi for the applicant/accused, Smt Archana Pandey Advocate for the Intervener/Complainant & the learned A.P.P Shri Imran K. Shaikh 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 along with the other accused alleged to have been committed the offences punishable u/s 420, 406, 467, 468 & 471 r/w 34 of the IPC in C.R. NO.1327 of 2022 wherein the offence is registered in Samata Police Station, Mumbai.

2. It is pertinent to note here that the report lodged by the complainant Shri Sunil Ramesh Sethi Dt.06.10.2022 and the statements of the witnesses and the documents filed by the parties on record etc clearly shows that the complainant has a company namely M/s. Art Media Advertising Pvt. Ltd and hoarding and the present applicant/accused is the agent who used to collect the advertisement and facilitate to get the permission from the concern authorities for fixing the hoarding in which the present applicant/accused along with the other accused took the total amount of Rs.8,01,000/- from the complainant by preparing the false and fabricated permissions and receipts but failed to return back the same amount to the complainant and thus the complainant lodged the report in which the police investigated the matter and recorded the statement of the witnesses.

3. Obviously, the report, the statements of the witnesses and

the documents filed by the parties on record etc clearly shows that the complainant has a company namely M/s. Art Media Advertising Pvt. Ltd and hoarding and the present applicant/accused is the agent who used to collect the advertisement and facilitate to get the permission from the concern authorities for fixing the hoarding in which the present applicant/accused along with the other accused took the total amount of Rs.8,01,000/- from the complainant by preparing the false and fabricated permissions and receipts but failed to return back the same amount to the complainant. No doubt, the offence is serious and huge amount is involved but there are several aspect which requires to be interrogated to the accused by which the custodial interrogation of the accused by the IO is indeed essential otherwise the right to interrogate the accused by the investigation officer would be taken away which would certainly affect the case of the prosecution.

4. 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 :- 20.01.2023.

Dictated on : 20.01.2023.

Transcribed on : 20.01.2023.

Checked and Signed on : 20.01.2023.

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

23.01.2023 at 11.30 A.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.13)
Date of Pronouncement of JUDGMENT/ ORDER	20.01.2023
JUDGMENT/ORDER signed by P.O. on	20.01.2023
JUDGMENT/ORDER uploaded on	23.01.2023