

CNR NO.MHCC02-017155-2022

**IN THE COURT OF SESSIONS FOR GREATER BOMBAY**

**ANTICIPATORY BAIL APPLICATION No.2803 OF 2022**

Mohan Singh Ajit Singh Saini  
Age 58 years, Occ : Business,  
Earlier Residing at Flat No.2,  
Bldg. No.6B, Ground floor,  
Road No.24, Opp. Guru Kripa Hotel,  
Sion (W), Mumbai 400 022

At present shifted to Flat No.9,  
47/3, 1<sup>st</sup> floor, Anjali Apartment,  
Sion, Mumbai 400 022.

....Applicant

- Versus -

The State of Maharashtra  
(Through Dharavi Police station,  
vide Cr. No.1155/2022)

.... Respondent

**Appearance :-**

Mr. APP Lade Adv. for State present.  
Mahesh Gupta Adv. for Applicant/accused.

**CORAM : SHRI. S.D. KULKARNI,  
ADDITIONAL SESSIONS JUDGE,  
COURT ROOM No. 30.**

DATED :07<sup>th</sup> January, 2023

**ORDER**

. This is an application filed u/sec.438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in connection with C.R. No.1155/2022 registered at Dharavi Police Station for the commission of offence under Section 420,406,504,506 of Indian Penal Code.

2. It is alleged by the applicant / accused that the dispute in between parties is of civil nature. The allegation of investment by the informant in applicant / accused company is absolutely false. The entire case depends upon the documentary evidence. Nothing is to be seized from the possession of the applicant / accused. The promissory note are not in possession of the applicant on the other hand it was possesses by the informant. The custodial interrogation of the applicant / accused is not necessary. Hence prayed for protection from arrest.

3. The prosecution opposed the application by filing reply vide Exh.2. The contention of the prosecution that applicant / accused if release on bail it will get difficult to seized the misappropriated amount. If applicant / accused granted protection from arrest there will be possibility of threatening prosecution witnesses. The statement of witnesses is yet to be recorded hence considering the seriousness of the crime, prayed for rejection of application.

4. Perused application, say filed by the prosecution. Heard both the advocates at length.

5. The applicant / accused prosecuted for the commission of offence punishable u/sec. 420,406 504,506 r/w 34 of the IPC. On going through the report it reveals that the informant invested the amount in order to get interest. The report also shows that previously informant received the invested amount alongwith interest. The applicant executed promissory note also in favour of the informant. So it reveals that the dispute in between parties is of civil nature. The prosecution opposed the application on a ground that the statement of witnesses is

yet to be recorded. If accused release on bail there is possibility of threatening the prosecution witnesses. So also to seized the misappropriated amount. The custodial interrogation of the accused is necessary. But in my opinion to record the statement of witnesses and for further investigation custodial interrogation of the applicant is not necessary. The report shows that transaction in between the parties is of the year 2019 so basically informant invested his amount in order to get the interest. When there was settlement of account in between the parties at that time meeting was held and therein it was agreed that applicant / accused shall execute promissory note in favour of the informant. So it shows that since beginning the intention of the accused to deceive the informant is not seen from the entire transaction.

6. While deciding the anticipatory bail application. It is necessary to see whether investigation can be carried out or complete without custodial interrogation of the accused. Is anything is to be seized from the possession of the applicant / accused. Here in this case nothing is to be seized from the possession of the accused therefore, in my opinion custodial interrogation of the accused is not necessary. The applicant / accused is a permanent resident of Mumbai so, there is no possibility of flee from the justice. So, considering all above facts and circumstances of the case investigation can be carry out without arresting the applicant / accused. Therefore, in my opinion applicant / accused is entitled for the relief prayed. Hence, considering this I pass the following order :

**ORDER**

1. Anticipatory Bail Application No.2803 of 2022 is allowed.
2. Applicant / accused Mohan Singh Ajit Singh Saini is ordered to be released on executing on P.B. Rs.25,000/- with one or two sureties of

like amount in the event of arrest in Crime Number 1155/2022 registered at Dharavi Police Station under Section 420, 406, 504, 506 of Indian Penal Code. :

b. that the applicant / accused shall not, directly; or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

c. that the applicant / accused shall not leave India without the previous permission of the Court.

3. The applicant / accused shall attend the said police station between 11:00 am. to 04:00 p.m. on every Saturday till filing of the charge sheet or further order.

4. The applicant / Accused not to tamper with the prosecution witnesses and evidence in any manner.

5. Provisional cash bail allowed for 4 weeks from today.

6. Anticipatory Bail Application. No.2803 of 2022 is disposed off accordingly.



Date : 07/01/2023.

( **S.D. KULKARNI** )  
Additional Sessions Judge,  
Gr. Mumbai.

Online Dictated on : 07.01.2023  
Signed by HHJ on : 09.01.2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED ORDER.”		
09/01/2023	4.32 p.m.	J.S. Chavan
UPLOAD DATE	TIME	NAME OF STENOGRAPHER

Name of the Judge (With Court Room No.)	H. H. Additional Sessions Judge Shri. S.D. Kulkarni, Court Room No. 30.
Date of Pronouncement of ORDER	07/01/2023
ORDER signed by P.O. on	09/01/2023
ORDER uploaded on	09/01/2023