

IN THE COURT OF SESSIONS FOR GREATER BOMBAY

**ANTICIPATORY BAIL APPLICATION NO.2847 OF 2022
(CNR-MHCC02-017386-2022)**

Raju Shivram Londhe

An adult Indian Inhabitant

Aged about 47 years, Occ : Business

Residing at 286, Ground Floor,

Jai Shivaji Nagar, J.D.Ambekar Marg,

Wadala, Mumbai – 400 031

...Applicant

V/s

The State of Maharashtra

(At the instance

of Santacruz Station)

...Respondent

Adv. Mr. Arbaz Baig for the applicant.

APP Mr. Maraskolhe for the State/respondent.

Adv. Bhati for the Intervener.

**Coram : K. P. Shrikhande,
Additional Sessions Judge
Gr. Mumbai.**

C. R. No. 10

ORDER BELOW EXH.1
(Dated 30th December, 2022)

This is an application moved by the applicant Raju Shivram Londhe under section 438 of the Code of Criminal Procedure, for grant of anticipatory bail. According to him, Santacruz police station has registered the crime No.1242/2022 against him and others for the offence punishable under sections 419, 420, 465, 467, 468 and 471

r/w 34 of the IPC, and the alleged offences being cognizable and non-bailable, he has apprehension of arrest in the said crime.

2] The learned counsel for the applicant submits that the applicant has committed no offence and transaction is purely civil in nature, it is given the colour of criminality, and the police wants to arrest the applicant. He further submits that the applicant was not concerned with the MOU and has also not received any pecuniary gain, and such prayed for granting protection from the arrest with the submission that the applicant is ready to abide by any conditions, if imposed while allowing the application.

3] The respondent-prosecution has filed reply at Exh.2 and resisted the application. It is the submission of the learned APP that the applicant and others have prepared the false documents such as Aadhar card, PAN card and also the MOU and caused the complainant to enter into the MOU to purchase the property. The applicant and others by mis-representation and by way of personation induced the complainant to give him and others the cash payment of Rs.9,00,000/- and the cheque of Rs.21,00,000/- and thus the applicant and others have committed the offence of cheating by way of personation and preparation of false documents and as such, prayed for rejecting application.

4] On perusal of the application, reply and other materials placed on record, it is appearing that the complainant wanted to purchase the property. The prosecution case suggests that the applicant, Sharad Teli and Sandip Shah hatched the conspiracy to dupe the

complainant and caused the complainant to enter into the agreement of sale for the amount of Rs.6,25,00,000/-. As per the case of the prosecution, the applicant has received an amount of Rs.3,00,000/- on 25/12/2021, Rs.2,00,000/- on 28/12/2021 and Rs.4,00,000/- on 10/01/2022 and that time Pappu Parab was with him.

5] The prosecution case suggests that on 29/12/2021 there was a meeting with the complainant and the applicant, Pappu Parab, Anil Shinde, Sandip Shah, Sharad Teli attended the said meeting. Co-accused Sharad had brought the MOU with the signatures of Snehlata Palekar, Dipali Palekar and Ramkrishna Palekar and the photos were affixed on it of those persons. It was projected to the complainant that Dhairyashil Palekar, Snehlata Palekar, Dipali Palekar and Ramkrishan Palekar are the owners of the said property. The prosecution case suggests that all these four persons reside in America and not in India.

6] The prosecution further suggests that it was projected in the said meeting that Dhairyashil Palekar was present, but another bogus person was presented in the said meeting and had projected him to be Dhairyashil Palekar, and received a cheque of Rs.21,00,000/- in the name of Sun Developers. According to the prosecution, the document MOU was bogus. The role of the applicant is clearly projected in the F.I.R. Huge amount is involved in the crime. The offence had wide amplitude and serious repercussions. The applicant and others have prepared the false documents and by personation cheated the complainant and also induced him to deliver the huge amount of Rs.30,00,000/-. Having regard to the nature of the offence, it is necessary to have in-depth investigation and for that custodial

interrogation is necessary. Submission of the counsel for applicant that the applicant is not involved and he is not beneficiary and subject matter is purely civil in nature is not acceptable at all. No case is made out for grant of anticipatory bail and as such the application needs to be rejected. In the result, I proceed to pass following order.

ORDER

A.B.A. No.2847 of 2022 is hereby rejected.



Date.30.12.2022

(K. P. Shrikhande)
Additional Sessions Judge,
Gr. Mumbai

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
04.01.2023 at 06.00 p.m. UPLOAD DATE AND TIME	(Mrs. M.S. Putta) NAME OF STENOGRAPHER

Name of the Judge	HHJ SHRI K. P. SHRIKHANDE (COURT ROOM NO.10)
Date of pronouncement of judgment/order	30.12.2022
Judgment/order signed by P.O. on	04.01.2023
Judgment/order uploaded on	04.01.2023