

MHCC050062282022



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

**ANTICIPATORY BAIL APPLICATION NO.1865 OF 2022  
IN  
C.R.NO.193 OF 2018**

**Raman Vijaykumar Kapoor,**  
Aged : 46 years, Occu.: Business,  
Residing at : 231/B, Manekbag Society,  
Ellisbridge, Ahmedabad-380015,  
Gujarat. **...Applicant/accused.**

**V e r s u s**

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

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Shri Tejpratap Singh, Advocate for the Applicant/accused.  
Miss Usha Jadhav, A.P.P for the State.  
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**CORAM : A.Z.KHAN,  
Additional Sessions Judge,  
Borivali Division, Dindoshi, Mumbai.  
(C.R.NO.09)  
Dt.12<sup>th</sup> December, 2022.**

**O R D E R**

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 Tejpratap Singh for the applicant/accused & the learned A.P.P Miss Usha 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.193 of 2018 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 Mahesh Chatrabhuj Ramavat along with the statements of the witnesses and the documents filed by the parties on record etc clearly shows that the present applicant/accused alongwith the other accused are the members of the company namely the Sun Star the Club of the Goodluck Hotels Private Limited who called the complainant on 14.10.2016 at J.W.Mariot Hotel where the present applicant/accused alongwith the other accused gave bait to the complainant that they will give the free cost of stay in the Five Star Hotel etc if they get their membership whereby the present applicant/accused collected the total amount of Rs.14,54,999/- from the complainant and other 10 persons but no such facility was provided to the complainant and others whereby the complainant lodged the report in which the police investigated the matter and recorded the statements of the witnesses.

3. Obviously, the present applicant/accused along-with other accused are the members of the Sun Star the Club of the Goodluck

Hotels Private Limited and gave bait to the complainant and others that that they will give the free cost of stay in the Five Star Hotel etc if they get their membership they will give all facility on free if they get membership of the said Sun Star the club for 20 years and collected the amount of Rs.14,54,999/- since 14.10.2016 to 08.04.2018. However, the present applicant/accused alongwith other accused neither provided any facility nor returned back the said amount.

4. No doubt, there are several aspects involved in the present case which requires to be interrogated and thus 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. 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 :- 12.12.2022.**

Dictated on : 12.12.2022.  
Transcribed on : 12.12.2022.  
Checked and Signed on : 12.12.2022.

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

**12.12.2022 at 05.40 P.M.**  
**UPLOAD DATE AND TIME**

**Ashok S. Sugdare**  
**NAME OF STENOGRAPHER**

Name of the Judge (With Court room no.)	<b>SHRI. A. Z. KHAN</b> <b>(C.R. NO.09)</b>
Date of Pronouncement of JUDGMENT/ ORDER	<b>12.12.2022</b>
JUDGMENT/ORDER signed by P.O. on	<b>12.12.2022</b>
JUDGMENT/ORDER uploaded on	<b>12.12.2022</b>