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MHCC020172322022



**IN THE COURT OF SESSIONS FOR GREATER MUMBAI AT MUMBAI  
ANTICIPATORY BAIL APPLICATION NO. 2822 OF 2022**

1. Shri Sekar Manickam ]  
Age : 60 years, Occ.: Business, ]  
R/at : C/O Manickam, Flat No.B-13, ]  
3134, 13<sup>th</sup> Floor, Sobha Petunia, ]  
Nagawara, Banglore – North, ]  
Bengaluru, Karnataka 560045. ]

2. Smt Vijayalakshmi Sekar ]  
Age : 58 years, Occ.: Business, ]

3. Shri Nishanth Sekar ]  
Age : 32 years, Occ.: Business, ]  
(Applicants No.2 and 3 are residing with ]  
applicant No.1) ]...Applicants/accused

**Vs.**

The State of Maharashtra ]  
(Through V.P. Road police stn., Mumbai.) ] Respondent

**Appearances :-**

Ms. P.S. Gautam, Ld. Advocate for the Applicant.  
Ms. Jyotsana Gawali, Ld. APP for the Respondent/State.  
Mr. Vijay Badgujar, Ld. Advocate for the Intervener.

**CORAM : H. H. THE ADDL. SESSIONS JUDGE,  
SHRI A.A. KULKARNI (C.R. NO.24)  
DATED : 4<sup>TH</sup> JANUARY, 2023**

**( O R A L O R D E R )  
(Dictated and pronounced in the open Court)**

This is an application under Section 438 of Cr. P.C. for

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anticipatory bail. Heard Ld. Advocate for applicants, Ld. APP for respondent and Ld. Advocate for the intervener. Perused the application, say and documents on record.

2. The Ld. Advocate for applicants submitted that on the basis of information of informant Smt. Darshna Saha, Crime No.126/2019 is registered by D.B. Marg police for the offence punishable under Section 420 r/w 34 of IPC. In brief, it is alleged by informant that in the year 2009, applicants requested for loan to the company of informant for the purpose of business of company run by applicant namely Thomotarjics Internet Services Pvt. Ltd. As per the request of applicants company of informant given loan to applicant. At the time of disbursement of loan applicant given cheques for the purpose of payment. It is further alleged that applicants failed to repay loan as promised and thereafter till 2018 requested for extension of time. Further, it is noticed that office of company of applicant was closed. Phones were switched off. Cheques issued by applicants when presented, return from bank for want of "Tracking System". Therefore, present offence is registered. It is further contended that after registration of offence police investigated case. No evidence was found against applicants. Hence, filed summary before Court. It is further contended that complainant given orders to applicant and adjusted loan amount in remuneration. Due to loss, company of applicants is in liquidation. Applicants are ready to co-operate police. Hence, prayed for grant of anticipatory bail in the event of their arrest.

3. Ld. APP and investigating officer filed say and opposed application. In brief, it is their contention that applicants have committed cheating. Since beginning intention of applicants was to

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deceive informant's company. In spite of issuance of notice, applicants have not co-operated for the purpose of investigation. If applicants are released on bail, they may abscond. Hence, prayed for rejection of application.

4. Informant appeared and opposed application. He prayed for rejection of application.

5. In view of submissions from both sides and on perusal of the documents, it is clear that there was transaction between company of informant and applicant. Transaction is of year 2010. Offence is registered against applicant in the year 2019. From the nature of transaction and delay in lodging of FIR, prima facie it appears that offence is registered for the purpose of recovery of amount. Intention of applicants may be invested in their business only. For that purpose there is no need of custodial interrogation as all the documents related with transaction are available with informant. In such circumstances, by imposing conditions and directing applicants to appear before police for the purpose of investigation, applicants may be released on bail in the event of their arrest. Hence, I pass the following order :-

**ORDER**

1. Anticipatory Bail Application No.2822 of 2022 is allowed.
2. In the event of arrest in Crime No.126/2019 registered with V.P. Road police station, applicants No.1 Shri Sekar Manickam, No.2 Smt. Vijayalakshmi Sekar and No.3 Shri Nishanth Sekar be released on bail on execution of P.R. bond of Rs.2,00,000/- with one or two sureties in the like amount each on following conditions :-
  - a) Applicants shall attend V.P. Road police station daily from

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9.01.2023 till 23.01.2023 between 11.00 a.m. to 2.00 p.m. and thereafter as per direction of investigating officer and co-operate him in investigation.

- b) Applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
  - c) Applicants shall not leave India without previous permission of the Court.
3. Anticipatory Bail Application No. 2822 of 2022 is disposed of accordingly.



Date : 4.01.2023

**[A.A. KULKARNI]**  
**ADDITIONAL SESSIONS JUDGE**  
**GREATER MUMBAI**

Dictated on : 4.01.2023  
Transcribed on : 4.01.2023  
HHJ signed on : 4.01.2023

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<b>“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”</b>		
<b>Upload Date</b>	<b>Upload Time</b>	<b>Name of Stenographer</b>
5.01.2023	5.00 p.m.	PRAJWALA V. PHODKAR
<b>Name of the Judge (With Court Room No.)</b>	HHJ SHRI. A.A. KULKARNI (CR 24)	
<b>Date of Pronouncement of JUDGMENT /ORDER</b>	4.01.2023	
<b>JUDGMENT /ORDER signed by P.O. on</b>	5.01.2023	
<b>JUDGMENT /ORDER uploaded on</b>	5.01.2023	