



**IN THE COURT OF SESSIONS AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI**
ANTICIPATORY BAIL APPLICATION NO.1838 OF 2021
IN
(C. R. No.697 of 2021 of Saki Naka Police Station)

Mr. Raja Manikraj Nadar,	]	
Age 36 years, Occ : Service,	]	
Residing at Room No.610, Vinayak Tower,	]	
Shiv Nagar, D.N. Data Marg, D.N. Nagar,	]	
Andheri (W), Mumbai 400 053.	]	...Applicant

Versus

The State of Maharashtra,	]	
At the instance of Sakinaka Police Station.	]	
	]	...Respondent

Ld. Adv. Mintoo Gond for the applicant.
Ld. APP Mrs. Usha Jadhav, for the State.

CORAM : SHRI L.S. CHAVAN,
ADDITIONAL SESSIONS JUDGE,
COURT ROOM NO.10.

DATE : 27th January, 2022

ORAL ORDER

This is an application filed by the applicant under Section 438 of the Code of Criminal Procedure 1973, for granting anticipatory bail in connection with Crime No.697/2021, registered with Saki Naka Police Station for the offences punishable under Sections 420, 406 r/w.

34 of the Indian Penal Code.

2. The factual matrix of the prosecution case is that, in May, 2019, the applicant and co-accused Amit Sawant entered in the house of complainant and offered him to give a Car of Air Tika Company for Rs.90,000/-. The said Car runs in Columbus Tours and Travels Company. They said in return of the said amount, they will pay Rs.26,000/- per month and if there is a driver, then will pay Rs.8000/- per month. After the completion of Car Installment in three years, the said Car will be transferred in their name. Accordingly, on 25.05.2019, the complainant paid Rs.90,000/- to the applicant and Amit Sawant, but they failed to provide the Car. When the complainant asked him about the amount, then they refused to pay it. Therefore, the complainant lodged the report to Saki Naka Police Station against the applicant and co-accused for the offences punishable under Sections 420, 406 r/w. 34 of the Indian Penal Code.

3. Ld. Advocate for the applicant argued that the applicant is innocent. No role is attributed to him. The complainant is entered in to an agreement with Columbus Tours and Travels Company. The applicant is neither the owner of the company nor the partner. He is only investor. He is not beneficiary of the amount of complainant. The complainant has received the amount from the co-applicant but he is attempting to extort further amount. Nothing is to be recovered from him. His custodial interrogation is unwarranted. Hence, requested to enlarge the applicant on pre arrest bail.

4. Per Contra, Ld. APP for respondent relied upon FIR and reply filed by the respondent and stated that the applicant is having criminal

antecedents. If he is released on pre arrest bail, then he will pressurise the complainant and witnesses. Hence, requested for rejecting the application.

5. In view of the aforesaid discussion, it appears that there are serious allegations made against the applicant for cheating and misappropriation of amount of Rs.90,000/-. The said amount is yet to be recovered from him. Considering the nature of allegations made against the applicant, his custodial interrogation is imperative to facilitate the investigation. Therefore, he is not entitled to grant pre arrest bail. Hence, following order.

ORDER

Anticipatory Bail Application No.1838 of 2021 is hereby rejected and disposed of accordingly.

Dt. 27/01/2022

(L. S. CHAVAN)
Additional Sessions Judge,
Borivali Div., Dindoshi, Mumbai

Dictated on : 27/01/2022
Transcribed on : 27/01/2022
Checked & Signed by HHJ on : 31/01/2022

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER. UPLOAD DATE 11.02.2022 AND TIME 04.30 P.M. NAME OF STENOGRAPHER P.S.TARE	
Name of Judge (with Court room no.)	HHJ Shri L.S. Chavan, City Civil & Sessions Court, Borivali Div., Dindoshi. (C.R.No.10)
Date of Pronouncement of JUDGEMENT/ORDER	27/01/2022
JUDGEMENT/ORDER signed by P.O. on	31/01/2022
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