

IN THE COURT OF DISTRICT JUDGE-1 & ADDITIONAL
SESSIONS JUDGE, PANVEL-RAIGAD
ORDER BELOW EXHIBIT-1 IN BAIL APPLN. NO.601/2020
CNR NO.MHRG170011592020
(Dated 06/11/2020)

In anticipation of arrest the applicant in crime C.R.No.181/2020, registered with Karjat police station u/section 420, 406 of IPC, the applicant has filed application under section 438 of Cr.P.C.

2. Heard Ld.Adv.Shri Tejas Bhattacharya for the applicant who submitted that, the applicant is anticipating his arrest in the above crime on the complaint of Tanvi Dalvi dated 08/10/2020 with allegations that the applicant introduced co-accused Santosh Joshi to her father as a person who invest the amount with the film industries and give lucrative interest on the same and thereby allured him to invest the amount of Rs.55,00,000/- from time to time. It has been further alleged that, after death of father of the complainant when complainant approached the accused person for refund of money, they refused to pay the same and thereby cheated her.

3. Ld.Adv.submitted that, the applicant is the cousin brother of the complainant and except the alleged role of introducing the co-accused with her father there is no more further nexus or involvement in the transactions executed between the father of the complainant and co-accused Santosh Joshi. Ld.Adv.submitted that, the applicant is not a beneficiary to

the said transaction and his custodial interrogation is not necessary in the matter. Ld.Adv.submitted that, applicant is permanent resident at the given address and he is ready to abide the conditions that may be imposed by this court and prayed for necessary relief u/sec.438 of Cr.P.C.

4. Ld.APP Shri Bhopi resisted the application and submitted that, despite knowledge that co-accused Santosh Joshi has not working as investor in the film industry, the applicant purposefully introduced the co-accused with the father of the complainant and oblige him for investments to the tune of Rs.55,00,000/- from time to time. Ld.APP.further submitted that, the applicant hold around 11 bank accounts and the amount of Rs.31,00,000/- has been transferred from the account of co-accused Santosh Joshi and the said amount has been utilised by him for his own benefits. Ld.APP.submitted that, the custody of the applicant is required for the recovery of the misappropriated amount and for further investigation.

5. Upon hearing Ld.Advocates and after going through the documents filed by the applicant as well as the report submitted by investigation agency, as well as the case papers, prima facie the role of the applicant has been revealed in the matter as he has accepted 17 % commission from the dealing with the father of the complainant from the co-accused. The investigation officer pointed out that, from the statement of account of the applicant there occurred various transactions and

an amount of Rs.31,00,000/- has been transferred from the account of co-accused Santosh Joshi. The matter is under investigation and there is substance in the submissions of Ld.APP for the reasons seeking custodial interrogation. Admittedly the recovery of misappropriated fund is a part of investigation for which the custody of the applicant will be required. Considering the amount involved in this matter as well as suspicious bank entries of the account of the applicant, the scope of the investigation will be increase. Under the circumstances, no relief can be granted to the applicant under section 438 of Cr.P.C. Case papers returned. Hence, order.

ORDER

- 1] Application Exh.1 is stands rejected
- 2] Application is accordingly disposed of.

***(Directly dictated in open court on the
office computer)***

Panvel
Date :- 06/11/2020.

(R. G. Asmar)
Additional Sessions Judge,
Panvel-Raigad.