

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.4138 OF 2007

Shri Premkant S. Jha .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.R.V.Bhasin i/b Mr.Virendra A.Jalan for the applicant

Mr.D.P.Adsule, A.P.P. for the State

**CORAM : J.N.PATEL, J  
VACATION COURT**

**DATED : 28TH DECEMBER, 2007**

P.C.:

1. The applicant apprehends that he may be arrested in C.R.No.I-285/07 registered by Virar Police Station for having committed an offence punishable under section 420 of the Indian Penal Code.

2. The case against the applicant is that he has received the amount of Rs.40,000/- from the complainant under the pretext of sale of room but

failed to convey the property in his favour and thereby cheated him.

3. This court is of the view that for investigating such an offence, even if it is accepted that this is a case which would fall under section 420 of the Indian Penal Code, the custody of the applicant is not necessary. Therefore, this court is inclined to grant him pre-arrest bail on the following terms and conditions:

a. In the event, the applicant is arrested in C.R.No.I-285/07 on a suspicion for having committed offence under section 420 of the Indian Penal Code, he shall be released on bail in the sum of Rs.50,000/- with one solvent surety. In lieu of surety, the applicant may deposit cash security in the sum of Rs.50,000/- in the court of J.M.F.C. who has Jurisdiction over Virar Police Station.

b. The applicant shall report to Virar Police Station on 29th December, 2007 at 10.00 a.m. sharp and would continue to remain present in the Police Station till 5.00 p.m. He shall further continue

to attend the Virar Police Station from 10.00 a.m. to 5.00 p.m. daily for a further period of 7 days with a lunch break of one hour and thereafter, as and when required by the Investigating Officer and cooperate with the investigation of the case.

4. It is made clear that if the applicant fails to attend the Police Station as directed by this court, this order granting protection to the applicant would stand recalled.

5. This court makes it clear that if any other offences are registered against the applicant, this order does not protect the applicant from being arrested by the police in other cases.

6. Application stands disposed of accordingly.

( J.N. PATEL, J )