

MHCC020098262023



IN THE COURT OF SESSION FOR GR. BOMBAY AT MUMBAI

ANTICIPATORY BAIL APPLICATION NO. 1484 OF 2023

IN

C.R No. 80 of 2023

Smt. Sujata Sunil Ghatvisave

Age : 45 years, Occ : Housewife
R/o : Bldg No. 23, Room No. 806,
Chembur Colony, Mumbai 400 074.

Smt. Sushila Tanhaji Ghatvisave

Age : 38 years, Occ : Housewife
R/o : Bldg No. 23, Room No. 806,
Chembur Colony, Mumbai 400 074.

Smt. Babita Keshav Bangera

Age : 45 years, Occ : Housewife
R/o : CG Road, Chembur, Camp
Near Inlaks Hospital, Chembur,
Mumbai 400 074.

Mr. Ravi Hari Shigvan

Age : 42 years, Occ : Service.
R/o : Om Ganesh Nagar, RC Marg,
Near Model School, Vashi Naka,
Chembur, Mumbai 400 074.

Mrs. Saraswati Lokre

Age : 40 years, Occ : Housewife
R/o : Indira Nagar, Sindhi Camp,
Near National Sarvodaya High School,
Chembur, Mumbai 400 074.

... Applicants

Versus

The State of Maharashtra

(At the instance of Dadar Police Station,
C.R.No. 80/2023)

... **Respondent**

Appearance:

Mr. Rahul S. Arote, Ld. Adv. for applicants.

Mrs. Rashmi Tendulkar, Ld. Addl. PP.

CORAM : HIS HONOUR ADDL.SESIONS
JUDGE M. G. DESHPANDE
(C.R.No.16)

DATED : 13th Day of July, 2023

ORDER

1. Applicants are some of persons named in the FIR relating to C.R No. 80 of 2023 registered with Dadar Police Station under Section 420, 406, 409, 34 IPC. They are apprehending arrest hence praying for protection under Section 438 of Cr.PC. Prosecution vide say Exh.2 referring facts alleged in the FIR and whatever revealed in the investigation, strongly opposed application on following grounds :

a.	The applicant Sujata Ghatvisave is wife of main accused Sunil Ghatvisave and an amount of Rs. 14 lakhs was diverted by the main accused in her bank account, which is yet to be recovered.
b.	Huge amounts which the main accused Sunil Ghatvisave collected from various affected people like the informant had been transferred in the bank accounts of other accused persons and it is yet to be investigated as to why such huge transfers were made.
c.	Co-accused Sunil Ranpise and Anil Bhosale have been absconding and yet to be arrested.

With this it is contended to reject the application.

2. Following points arise for my determination. I am recording following findings thereon for the reasons discussed below :-

POINTS	FINDINGS
1. Whether the applicants have made out a strong prima-facie case to grant protection under Section 438 of Cr.P.C. ?	Yes.
2. What Order ?	As per final order.

REASONS

POINT NO.1.

FACTS INVOLVED IN C.R.NO. 80 OF 2023

3. Mr. Dattaprasad Rajaram Bait, Government Servant in PWD, lodged FIR alleging that the main accused Sunil Ghatvisave has cheated him and 21 Others by giving fake promises for making available homes in Century Mill Kamgar MHADA Vasahat. He further alleged that he has been residing in Prabhadevi, Dadar from his childhood, hence, ought to settle in said area and was in search of ownership House. During such search he came in contact with Sunil Ghatvisave with information that he has acquaintance in MHADA and he can manage houses of Mill Workers for reasonable price. One Mr. Mane introduced informant to Sunil Ghatvisave in January 2017 whom the informant expressed his desire. On that Sunil Ghatvisave told him that there is Building No 2A, Room No. 1503 for sell in Century Mill MHADA Vasahat. Price for the same was quoted Rs. 30 Lakhs and Sunil Ghatvisave put condition to pay half thereon in advance. MOU was recited on Rs. 100/- Stamp Paper and thereafter the informant issued cheques of total Rs. 19 Lakhs through Cheques. In order to collect remaining Rs. 12 lakhs the informant sold gold ornaments of his wife

for Rs. 2 lakhs. Took Rs. 4 Lakhs loan from Brother in Law, Rs. 4 Lakhs from his father in law and Rs. 2 lakhs from his own savings. In this way during 2017 to 2018, the informant paid Sunil Ghatvisave total Rs. 12 lakhs and various places in Dadar Prabhadevi. Similarly, Ajay Patil, acquaintance of the informant had also paid Sunil Ghatvisave for himself and five to six other people for homes. Similar MOU's were executed in the name of those people who paid Sunil Ghatvisave through cheques. Sunil Ghatvisave then transferred those moneys into various other accounts. The applicant No.1 is wife of Sunil Ghatvisave in whose account Rs. 14 Lakhs were transferred which were out of those moneys which Sunil Ghatvisave collected from informant as well as from others. These are the facts.

4. In Mumbai, everyone is in ardent need of permanent ownership residence and people like persons referred in the FIR gain confidence and cheat the needy like the informant. Hard earned life earnings of people like informant go waste and such people never get any house or even refund of their money. On the contrary, cheaters like the persons mentioned in the FIR including the applicant herein, get easy money by such offences. This is a fact and many times such cases come before the Court. Allegations in the FIR clearly indicate how all the persons referred therein right from the beginning with dishonest intention to cheat the informant, gained his confidence, impersonated them as MHADA high level officers and fetched huge money from him with a false, fake promise of arranging a MHADA house for him when they themselves were clearly knowing that they could not arrange such MHADA house. Fetching money as such to cheat the informant, prima-facie indicates their dishonest intention to cheat the informant right from the beginning, which is the basic qualification to attract Sec.420

IPC.

5. Investigation is at preliminary stage. Main Accused Sunil Ghatvisave directed the informant and Ajay Patil to issue cheques in the name of some people. Accordingly, the informant and people named in the FIR and transferred Rs. 10 Lakhs out of Rs. 21.50 Lakhs of Sanjay Shelar in the bank account of Co-accused Prashant Jadhav. An amount of Rs. 1.5 Lakhs was diverted in the account of applicant No. 3 Babita Keshav Bangera as well as Rs. 3 Lakhs in her account with Union Bank. Rs. 3.5 Lakhs in the account of Ravi Hari Shigwan (Applicant No.4) and Rs. 3.5 Lakhs in the account of Saraswati Lokre (Applicant No.5). Rs. 5 lakhs out of Rs. 16.50 Lakhs of Malati Patil was transferred in the account of Main accused Sunil Ghatvisave. All this clearly indicates that the applicant had syphoned of money which he has collected from the informant and his friends who were ardent need of ownership house at reasonable price in Prabhadevi area.

6. At the moment, investigation is at a very preliminary stage. What appears from the facts alleged in the FIR and monies transferred by informant and his friends as instructed by main accused Sunil Ghatvisave indicates a well calculated and well planned syndicate for cheating people like informant and his friends by taking disadvantage of their ardent need. Receiving amounts by the applicants in their bank accounts prima-facie reflects that all of them have concrete knowledge the purpose for which money has been transferred in their accounts. Therefore, it is a clear case of cheating and fetching hard earned life earnings of people like informant and his friends. Investigation is at

preliminary stage. In Mumbai, such incidents are frequently happening. Granting Anticipatory Bail to the people like applicant who have been involved in such scams will ultimately amount putting premium on their criminal activities. In this background, if the Anticipatory Bail is granted, same is likely to paralyze the investigation which is beyond purview of Sec. 438 of Cr.PC. Hence, I am of the opinion that no strong prima-facie case is made out by any of the applicants. Hence, Point No. 1 answered in the negative and following order is passed :

ORDER

1. Anticipatory Bail Application No.1484 of 2023 stands rejected.

Dt.:13/07/2023



(M.G. Deshpande)
Additional Sessions Judge.
C.R.No.16, Gr.Bombay at Mumbai

Dictated and typed on : 13/07/2023
Checked and Signed on : 13/07/2023

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
15.07.2023 at 15.00 hours UPLOAD DATE AND TIME	(Mr. Mohit M. Patange) NAME OF STENOGRAPHER
Name of the Judge	HHJ M. G. DESHPANDE (COURT ROOM NO.16)
Date of pronouncement of judgment/order	13.07.2023
Judgment/order signed by P.O. on	13.07.2023
Judgment/order uploaded on	15.07.2023