

IN THE CITY SESSIONS COURT AT AHMEDABAD
CRIMINAL MISC. APPLICATION NO. 8546 OF 2024

Applicant/s:

MAHESHBHAI PRABHUDAN LANGA

Versus

Opponent/s:

THE STATE OF GUJARAT

Appearance:

Mr. A.J. Yagnik : Learned Advocate for Applicant

Mr. S.B. Brahmhatt : Learned P.P. for State

ORDER BELOW EXHIBIT:1

1. The Applicant has preferred the present application under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2003, to avail the remedy of anticipatory in relation to the crime registered with DCB Police Station vide Part 'A'.Cr.No.:11191011240284/2024 for the offence punishable under Section 316(2) and 318 of The Bharatiya Nayay Sanhita, 2023.
2. Learned Advocate Mr. A.J. Yagnik appeared on behalf of the Applicant and made submissions on the line of the contentions made in the present application and submitted that there is no *prima-facie* case against the present Applicant. He has been falsely implicated in the alleged offence. There is no material on the basis of which a prudent person can ever reach to a conclusion that any offence has been committed by the present Applicant. Moreover, there is no mention or role of the Applicant in the FIR, he is not having any criminal antecedents. Applicant is the local resident of Ahmedabad

city and not likely to abscond, if released on anticipatory bail. Further, Applicant is ready and willing to abide by all or any of the conditions, imposed by the Hon'ble Court, at the time of releasing him on anticipatory bail. Thus, considering the facts, reasons and grounds mentioned in the application itself, he has requested to grant the present application as prayed for.

3. Learned Advocate Mr. Yagnik has submitted that the Applicant is engaged in a profession of a Journalist who is right now Joint Editor of "The Hindu" Daily Newspaper. During his career as a Journalist, he has never faced such type of allegation. It is submitted that during his tenure of 22 years as a Journalist, he had worked with reputed print media group. It is contended that the Complainant is running a advertising agency namely Khushi Advertising Media Pvt. Ltd., and the amount received from the Complainant by the Applicant, is nothing but a legal dues for service provided by the Applicant as a Consultant. The Applicant is right now in the judicial custody. In relation to the offence, his mobile phone is seized by the Police and therefore, the details relating to the consultancy is there in the mobile phone. To show bonafideness, on the part of the Applicant, the Applicant has shown his readiness to deposit Rs.28 Lakhs before the Court. It is submitted that the charge of cheating, criminal breach of trust cannot run simultaneously as the Complainant has to show the malafide intention on the part of the Applicant, since inception of the

transaction. Neither, in the FIR nor in the Affidavit such facts is disclosed. Learned Advocate Mr. Yagnik has cited and relied upon the following case laws vide Exhibit:7:

Sr. No.	Citation	Case Name
1	(2010)10 SCC 660	Asoke Basak Vs. State of Maharashtra and Others.
2	(2019) 16 SCC 461	Prof. R.K. Vijayasathy and Others Vs. Sudha Seetharam and Another.
3	(2023) 7 SCC 461	Ramesh Kumar Vs. State of NCT of Delhi
4	2024 SCC OnLine SC 2284	Delhi Race Club (1940) Ltd. and Others Vs. State of Uttar Pradesh and Another.

4. Upon filing of the present application, Notice has been served to the Learned A.P.P. / P.P. on behalf of the State of Gujarat. Learned Public Prosecutor Mr. S.B. Brahmbhatt appeared on behalf of the State wherein he has strongly opposed the present application and submitted that the present Applicant has defrauded and cheated the complainant, for his own benefit. He has drawn attention to the Affidavit submitted by the Investigating Officer and submitted that considering the allegations leveled against the accused, custodial interrogation is very much necessary in the present case. Considering the nature and method in which the offence has been committed, he has submitted to view the offence seriously and requested to reject the present application.

5. I have respectfully read the case laws cited and relied upon by the Learned Advocate for the Applicant. I have considered the arguments and contentions raised by the Applicant in the bail application as well as during the oral hearing of the bail application. I have read the case law cited herein above referred and cited by the Applicant. I have considered the arguments advanced by both the parties. I have gone through the averments of the FIR. The alleged period of cheating is from 01.03.2024 to 29.10.2024 whereas the FIR is registered on 29.10.2024. On perusal of the FIR, it is revealed that the First Informant is engaged in running business in the name of Khushi Advertising Ideas Pvt. Ltd. He met the Applicant before 1 & ½ Year ago at Star Bucks Coffee Shop, Bodakdev and by relying upon the word of the Applicant, the First Informant has transferred certain amount in the account of 'Vyomin Media Pvt. Ltd.' on 16.03.2024 and subsequently on 06.06.2024 total Rs.28,68,250/- has been paid by the First Informant on behalf of the Applicant. When the First Informant has asked for return of the said amount, the Applicant has denied to repay the said amount by threatening the First Informant that he may publish negative news against the First Informant. This is the sum and substance of the FIR. Considering the fact that the alleged offence are triable by the Magistrate, punishment prescribed thereof is maximum upto 7 years, the dispute between the parties are primarily in civil nature, non-payment of money. Considering the Law laid down by the Hon'ble Supreme Court in a case of ***Siddharam Satlingappa Mhetre***

Vs. State of Maharashtra reported in 2011(1) SCC 694 as well as considering the law laid down in the case of ***Arnesh Kumar Vs. State of Bihar & Another***, the Applicant who is local resident of Ahmadabad City, having deep root in the society, there is no possibility of flee away from the Court of Justice. Considering the fact that the First Informant has not assigned any reason for delay in lodging the complaint, I incline to exercise discretionary power in favour of the present Applicant, by allowing the present anticipatory bail, in the present case. Accordingly, I pass the following final order:

ORDER

- (a) The application filed by the present Applicant: **Maheshbhai Prabhudan Langa**, for anticipatory bail, filed under Section 482 of the Bharatiya Nagrik Suraksha Sanhita-2023, is hereby allowed.
- (b) The Applicant is hereby ordered to be released on anticipatory bail in the event of his arrest in connection with the FIR registered at DCB Police Station vide Part 'A'.Cr.No.:11191011240284/2024 for the offence punishable under Section 316(2) and 318 of The Bharatiya Nayay Sanhita, 2023, on furnishing surety bond in sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with one surety of like amount to satisfaction of concerned Police Station, on following conditions:

:: CONDITIONS ::

- (1) The Applicant shall not give any promise, threat or inducement to any person acquainted with the facts of the case.

- (2) The Applicant shall not take undue advantage of the liberty or misuse the liberty given to him vide this order.
 - (3) The Applicant shall make himself available for interrogation by the Investigating Officer as and when required.
 - (4) The Applicant shall not leave the local limits of India without prior permission of this Court.
 - (5) The Applicant shall deposit his Passport in original before the Investigating Officer within three days, if possesses. If the Applicant not possess, he shall declare such fact on Affidavit before the concerned authority.
 - (6) The Applicant shall give his correct permanent residential addresses, mobile numbers, identity proofs to the Investigating Officer as well as to the concerned trial Court and shall not change his residence without prior permission of the Court.
 - (7) The bail-bond shall be furnished according to satisfaction of the concerned Police Station.
- ✓ Yaadi be sent accordingly.

Pronounced in the open Court today, on this 25th day of **November, 2024**.

Place : Ahmedabad
Date : 25-11-2024

(HEMANGKUMAR GIRISHKUMAR PANDYA)
Additional Sessions Judge, Court No.15,
City Civil & Sessions Court, Ahmedabad.
(Code No.: GJ00705)