

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

CRIMINAL APPLICATION NO. 6752 OF 2015

Tarek Farooqui Gulam Subhani Farooqui,

Age : 38 years, Occu. Business,

R/o. Bashirganj, Near S. T. Office,

Beed, Tq. & Dist. Beed.

... Applicant

VERSUS

The State of Maharashtra.

... Respondent

.....

Mr S. P. Katneshwarkar, Advocate for applicant

Mr A. S. Shinde, APP for respondent/State

.....

ALONG WITH

CRIMINAL APPLICATION NO. 6837 OF 2015

Mufti Museloddin Khan S/o Shukur Khan,

Age : 33 years, Occu. Private Service,

R/o. Zam-Zum Colony, Beed, Dist. Beed.

... Applicant

VERSUS

The State of Maharashtra.

... Respondent

.....

Mr Rajendra Hange, Advocate for applicant

Mr A. S. Shinde, APP for respondent/State

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CORAM : **N. W. SAMBRE, J.**

DATE : **5TH JANUARY, 2016.**

PER COURT:

. The applicants herein are seeking pre-arrest bail in Crime No. 0352 of 2015 registered at Satara Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 406 read with 34 of the Indian Penal Code.

2. While trying to make out a case for pre-arrest bail, the learned Counsel for applicants would urge that, from the allegations in the FIR it could be inferred that the complainant and the applicants have entered into a contract and it is claimed that since the contract was not taken to its logical end i.e. the complainant has not received his share in the profit, the offence in question came to be registered.

3. The learned APP while strongly opposing the bail application would urge that it can be easily inferred from the contents of the FIR that complainant has shown his source of amount as was invested in the contract in question. According to him, it is a clear case of criminal breach of trust and fraud that was practised on the

complainant. He was assisted by the counsel for the complainant who has adopted the same arguments.

4. Upon perusal of the FIR *prima facie* it appears that the complainant has invested an amount with the applicants/accused persons so as to trade in a scrap business. The complainant was neither given his appropriate share in the profit nor the principal amount that was invested by him. Perusal of the FIR speaks of the investment made by the complainant for certain illegal objects.

5. In this backdrop it could be easily inferred that the dispute which is civil in nature is given colour of criminal case. In view thereof, the applicants, in my opinion, are entitled for pre-arrest bail. Hence, I proceed to pass the following order.

ORDER

- (i) In the event of arrest of applicants Tarek Farooqui Gulam Subhani Farooqui and Mufti Museloddin Khan S/o Shukur Khan in Crime No. 0352 of 2015 registered at Satara Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 406 read with 34 of the

Indian Penal Code, they be released on bail on their furnishing P.R. bond in the sum of Rs. 25,000/- (Twenty Five thousand) each, with one surety in the like amount.

- (ii) The applicants shall keep themselves away from the jurisdiction of the Satara Police Station till filing of charge-sheet.
 - (iii) The applicants shall attend the concerned Police Station on 11th, 12th and 13th January, 2016 between 10.00 a.m. and 12.00 noon and thereafter as and when called by the Investigating Officer.
6. Criminal Applications stand disposed of in above terms.

[N. W. SAMBRE]
JUDGE

sgp