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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.928 OF 2016

Manzoor Ahmed Mohmmed Saeed …. Applicant
V/s.
The State of Maharashtra …. Respondent

Mr. Mohan V. Khatavkar, for the Applicant.
Mrs. R. M. Gadhvi, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 22nd JUNE, 2016.

P.C. :

1. The applicant/accused, in rime No.I-50/2015, registered with police Station Azad Nagar, Malegaon, Dist. Nashik, at the instance of Ejaz Ahmed Abdul Latif, for the offences punishable under Sections 420 read with 34 of the Indian Penal Code, is praying for pre-arrest bail.

2. Heard the learned counsel for applicant/accused as well as learned APP.

3. The learned APP relying on the statements witnesses opposed the application.

4. The investigation is over and charge-sheet has already been filed. As the informant Ejaz Ahamed Abdul Latif had reported to police on 01.09.2015 that Abdul Karim, Abdul Khalik Ahmed, accused No.1 Mushir

and present applicant accused No.2 Manzoor Ahmed Mohmmed Saeed had been to his shop. They represented him that they had formed a group namely, “Kaveri Textiles”. They requested the informant to sell the yarn on credit basis and accordingly informant sold yarn costing Rs.24.42 lacs to them. However, subsequently they failed to make payment and closed the shop.

5. The chargesheet shows that Abdul Karim and Abdul Khalid are not shown as accused though the F.I.R. is naming them. The perusal of certificate of registration shows that Kaveri Textile – a proprietary firm is owned by accused No.1 Mushir. The statements of witnesses namely Pankaj Tapadiya, VijayPatankar and Mangalchandra Sharma, who are the employees of informant shows that the cheques for payment of consideration were given by accused No.1 Mushir

6. It is argued that applicant accused is the maternal uncle of accused No.1 Mushir, who has actually purchased the yarn on credit from the informant. The Memorandum of Understanding is placed on record which shows that substantial amount due to present applicant was appropriated by the informant towards the amount to be recovered in the transaction in question. It is seen from another Memorandum of Understanding that the house property of mother of accused No. 1 Mushir is transferred in the name of informant. That apart, it is seen that

the Investigating Officer has seized two plots of land standing in the name of wife of present applicant.

7. The chargesheet prima facie reveals that the transaction is predominantly of civil nature. Substantial amount is recovered from applicant and two plots of land standing in the name of his wife are also seized. In this view of the matter, applicant has made out a case for pre-arrest bail and therefore following order.

Order

I) The application is allowed.

II) In the event of arrest of applicant, in above crime, he be released on bail on his executing P.R. Bond in the sum of Rs.10,000/- and on their furnishing surety in the like amount.

III) The applicant shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

IV) The applicant shall attend the concerned police station on 03.07.2016 in between 11.00 a.m. to 1.00 p.m., and shall co-operate the Investigating officer.

V) The applicant shall not tamper with the prosecution evidence in any manner.

VI) The applicant shall not commit similar type offence in future.

[A. M. BADAR, J.]