

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

**CRIMINAL APPLICAITON NO. 6074 of 2017.**

**SHAIKH SHAKIL SHAIKH DAGU**

**VERSUS.**

**STATE OF MAHARASHTRA AND OTHERS**

**...**

Advocate for the Applicant : Mr. A.N. Kakade.

APP for Respondent/State : Mr. K.N. Lokhande.

**CORAM : V.L. ACHLIYA, J.**

**DATE : 27th November, 2017**

**ORAL ORDER:**

1. The applicant apprehending arrest in connection with Crime No. 116/2017 registered at Yawal Police Station, District Jalgaon, for the offences punishable under sections 420, 406, 506 r.w. section 34 of the Indian Penal Code, has preferred this application seeking anticipatory bail.

2. Heard learned counsel for the applicant and the learned APP for the respondents/State. Perused the case diary.

3. On perusal of the first information report lodged by Shaikh Mohiyoddin Shaikh Nabi it prima-facie reveals that the allegations of cheating and criminal breach of trust are primarily against accused No. 1 Saniya Sayyad Ali Kadari, her father Sayyad Ali Kadari. Complainant has alleged that on 09.04.2017 Saniya and

her father accompanied with applicant approached to him for purchase of banana. They made false representation and induced the complainant to sale the banana worth Rs. 17,62,586/-. Out of said amount, amount of Rs. 6,29,722/- was paid in cash during the period 11.04.2017 to 17.06.2017. Balance amount of Rs. 11,32,586/- was not paid. Complainant repeatedly approached her. She forced him to lodge complaint against one Madhur Khandelwal. It is further contended that accused No. 1 also forced him to sign certain documents relating to formation of partnership firm and showing him one of the partner of such firm along with second accused. It is alleged that the present applicant persuaded the complainant to sign the deed of partnership. In spite of signing the documents the amount was not paid.

4. In the light of allegations made in the first information report against the applicant, I am of the view that the applicant deserves to be granted anticipatory bail. Balance amount to the tune of Rs. 11,32,586/- is to be payable by accused No. 1 to the complainant. So also the alleged documents claimed to be got executed by accused No. 1. Grant of anticipatory bail will not hamper on going investigation. I am

therefore inclined to allow the application. Hence, following order is passed.

**ORDER**

1. Application is allowed in terms of prayer clause 'B'.

2. In the event of arrest of the applicant in connection with Crime No. 116/2017 registered at Yawal Police Station, District Jalgaon, for the offences punishable under sections 420, 406, 506 r.w. section 34 of the Indian Penal Code, the applicant be released on his furnishing bail in the sum of Rs. 25,000/- with one surety in the like amount, on following condition.

(i) Applicant shall appear before the Investigating officer from 29.11.2017 onwards till 30.11.2017 in between 11 to 5 p.m. and cooperate in investigation and thereafter continue to appear as and when directed by the investigation officer.

(ii) Applicant shall attend police station Yawal District Jalgaon on every Sunday between 10 to 11 a.m. till filing of the charge-sheet.

(iii) The applicant shall not indulge into any act amounting to tampering the prosecution witnesses and pressurizing the complainant.

(iv) 3. In the event of breach of any of the conditions,

the anticipatory bail granted to applicant liable to be cancelled.

5. Criminal application stands disposed of in above terms.

**(V.L.ACHLIYA, J.)**

mkd/-