

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.328 OF 2017
Maqbool Azam Khan @ Akhil vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. R.S.Singh for the Applicant.
Mr. Arfan Sait, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 5st April, 2017

P.C.

- 1) The applicant is apprehending arrest in CR NO.9 of 2017 dated 7.1.2017 registered with Amboli Police Station, Mumbai under Section 406, 420, 504, 506 read with 34 of the I.P.C.
- 2) The first informant Smt. Poonam Mishra in the report inter alia has alleged that the applicant made payment of Rs.2,10,000/- by way of cheques towards the purchase of four wheeler vehicle of Hyundai Brand but did not supply the said vehicle and thereby committed the said offence.
- 3) The learned counsel for the applicant submitted that during the pendency of the present application the applicant has returned the said amount of Rs.2,10,000/- along with interest to the complainant by way of demand draft which has been realized. She further submitted that the complainant and the applicant have entered into consent terms and in pursuance thereof has handed over the demand draft.
- 4) The learned APP on instructions from the

Investigating Officer submitted that though the Investigation officer tried to contact the applicant to verify the genuineness of the said documents however, the complainant is not traceable. When the Court called the Investigating Officer to show the report about his efforts to contact the complainant mentioned in the case diary, he was unable to do so. It appears that the Investigating officer without having any seriousness at his commend through the APP has made such statement. Be that as it may, as the applicant has already repaid the amount involved in the FIR along with interest to the complainant, in my considered opinion, the applicant can be protected by pre-arrest bail.

Hence, the following order.

- a) In the event of arrest of the applicant in CR No.9 of 2017 dated 7.1.2017 registered with Amboli Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond of Rs.10,000/- with one or two sureties in the like amount.
- b) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.
- c) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)