

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 954 of 2017

Iqbal Hussain Gulam Hussain Bhati

...Applicant

Versus

The State of Maharashtra

...Respondent

Iqbal Hussain Gulam Hussain Bhati, applicant in person present in Court.

Mr. R. M. Pethe, APP for the respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 20 JUNE 2017

P.C. :

1. This is an application for transit anticipatory bail. The applicant is apprehending arrest at instance of Rajender Nagar Police Station, New Delhi in connection with the complaint filed by the SMC Global Securities Limited.

2. The applicant is the resident of Mumbai. He is senior citizen aged about 65 years having no criminal antecedence. He submitted that he has filed the complaint against SMC Global Securities Limited and also initiated arbitration proceedings and the award has been passed in favour of the applicant. He further submitted that the said

award was challenged by preferring the appeal which has been dismissed. He further submitted that initially the summons was issued to the applicant under section 91 of Cr.P.C. for production of documents. Thereafter, a notice under section 41(A) of Cr.P.C. is served upon the applicant. The said notice is dated 20 May, 2017. In the said notice, it is stated that a complaint has been filed by SMC Global Sec. Ltd. vide DD No. 47B dated 22.04.2017 with Old Rajender Nagar Police Station, Delhi. It is further mentioned that the applicant should join in the enquiry in respect to the subject complaint. It is also mentioned that if he fail to comply with the notice he will be produced before the competent court in accordance with provision of law. It is therefore submitted that there is apprehension of arrest to the applicant. It is submitted that the filing of complaint at the said police station shows mala fide on the part of the complainant. It is submitted that apparently the complaint has been filed alleging non bailable offence. The applicant submitted that he is willing to approach the competent Court for appropriate relief. However, he may be granted protection for a temporary period to enable him to approach the competent Court.

3. Considering the aforesaid circumstances and the averments

made in the application and on perusal of documents annexed to the application, the applicant can be granted protection for a temporary period to enable him to prefer an appropriate application before the competent Court.

:: ORDER ::

- (i) In the event of arrest of the applicant in connection with the complaint filed by SMC Global Sec. Ltd. vide DD No. 47B registered with Rajender Nagar Police Station, Delhi, the applicant may be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only.) with one or more sureties in the like amount.
- (ii) This protection is granted for a period of four weeks to enable the applicant to approach the appropriate court for seeking appropriate relief.
- (iii) Application stands disposed of.

[PRAKASH D. NAIK, J.]