

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1747 OF 2016**

Fahim Raees Khan

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondent

Mr. E. B. Dixit a/w Mr. P. R. Yadav and Ms. Priyanka Dubey for the Applicant

Mr. Prashant Jadhav, A.P.P. for Respondent No.1-State

Mr. Pradeep Sawant, API, from Economic Offences Wing, Unit-II, Crime Branch, Navi Mumbai, is present

**CORAM:- REVATI MOHITE DERE, J.
(IN CHAMBERS)
DATED :- FEBRUARY 3, 2017**

P.C.

1. Heard learned Counsel for the parties.
2. This is the second bail application. The first bail application was dismissed as withdrawn vide order dated 18th March, 2016 passed in Anticipatory Bail Application No. 475 of 2016.
3. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-23 of 2016 registered with the Kharghar Police

Station, Navi Mumbai, for the alleged offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

4. Learned Counsel for the applicant states that the second bail application has been preferred essentially on the ground that the applicant was ready to pay the entire amounts to the investors. On 22nd December, 2016, pursuant to the statement made by the learned Counsel for the applicant that he was ready to pay the said persons their respective amounts, interim protection was granted to the applicant.

5. Learned Counsel for the applicant states that all the 20 persons have been paid their respective dues i.e. the principal amounts, except Mr. Yuvraj Salonkhe. He submits that as far as Mr. Yuvraj Salonkhe is concerned, there is a dispute whether any amount is due to him. He further submits that a civil suit is filed by one Mr. Sharad Naik as against Mr. Yuvraj Salonkhe and that the said suit is pending.

6. Learned A.P.P on the instructions of the Investigating Officer, who is present in Chambers, does not dispute the fact, that out of 21

persons, 20 persons have been paid. He states that, however, only the principal amounts have been paid to those 20 persons. Learned A.P.P also does not dispute the statement made by the learned Counsel for the applicant, that there is a Suit pending against Mr. Yuvraj Salonkhe. Learned A.P.P states that there are no more investors.

7. Considering the fact that the applicant has paid the principal amounts to 20 persons out of 21 persons, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the office of the EOW, Unit-II, Crime Branch, Navi Mumbai, on the first and third Saturday of every month from 10:00 a.m. to 12:00 noon, till the filing of the charge-sheet;

- (iii) If the applicant possesses a passport, he shall deposit the same with the office of the EOW within one week from today.
8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.