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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1897 OF 2016

Abdul Aziz Mohd. Kasam Shaikh

..Applicant.

Vs.

State of Maharashtra

..Respondent

Mr. Kiran Jain with Ms. Nita Solanki & Mr. Ish Jain i/b Kiran Jain & Co.,
for Applicant.

Mrs. P.P. Shinde, APP for State.

Mr. Prasad Satam, P.I., L.C.I., EOW, Mumbai present.

CORAM: A.S. GADKARI, J.

DATE : 3rd April 2017.

P.C.

1] By an Order dated 26th October 2016, the applicant has been granted interim relief. The record discloses that the applicant and the complainant were the partners in the business and due to dispute and differences between them inter se, the complainant Shri Salim Ali Shaikh has initiated arbitration proceedings before this Court bearing Arbitration Petition No.956 of 2012. This Court by an Order dated 14.1.2013 disposed

off the said proceedings. After being unsuccessful in the arbitration proceedings, the complainant has lodged the present crime initially with the Andheri Police Station bearing CR No.661 of 2015.

2] I have perused the record annexed to the application. It is to be noted here that, in the first information report the complainant has not disclosed the said fact of filing of the arbitration proceedings before this Court and its disposal on 14.1.2013 without granting any relief in favour of the complainant. The record further discloses that, in pursuance of Order dated 26.10.2016, the applicant has attended the Investigating Officer and has produced the necessary and relevant documents relating to and for the purpose of the investigation. In view thereof, according to me, the custodial interrogation of the applicant is not necessary for the purpose of investigation of the present crime. However, the applicant can be directed to attend the Investigating Officer as and when called for between 11.00 a.m. to 1.00 p.m till the submission of final report.

4] In view of the above, the interim relief granted on 26.10.2017 is hereby confirmed.

However, the applicant is directed to attend the Investigating Officer as and when called for between 11.00 a.m. to 1.00 p.m. till filing of final report. It is needless to mention that, before calling the applicant to

the police station, the Investigating Officer shall issue a notice under Section 160 of Cr. P.C. mentioning therein the date and aforesaid time.

5] The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)