Nalawade

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 198 OF 2018
Shahjahan S Mulla and ors. vs. State of Maharashtra

Office Notes, Office Memorandam of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. P.S.Sarkar for the applicant.
Mr. S.S. Hulke, APP for the Respondent-State.

CORAM :A.S.GADKARI, J.
DATE : 9th February, 2017

P.C.

1. The Applicants are apprehending arrest in CR No.18/2017 dated 14.1.2017 registered with Worli Police Station, Mumbai under Sections 465, 467, 468, 471, 474, 420 read with 34 of the Indian Penal Code.

2. The first information report is lodged by Shri. Pradeep V. Kamat, Law Officer employed with Abhyudaya Co-Op. Bank Ltd. It is stated that the applicants are owners of M/s. Salim Enterprises. That, on 13.7.2015 a person from Jharkhand Education Project Council approached the said bank for verification of two bank guarantees, one was issued in the name of National Book Binding Works for Rs.42,58.481/- and other for Rs.22,76,867/- issued in favour of Salim Enterprises for its

realization. The Bank noticed certain anomalies and suspected doubt about its genuineness and therefore, an enquiry was conducted by the bank. It is found that the said bank guarantees were not genuine and with a view to cause wrongful loss to the concerned bank the said two firms had presented the said two bank guarantees for its realization however, because of the prompt action taken by the Bank Officer the actual loss to the bank was averted.

3. The learned counsel for the applicants submitted that the applicant No.1 is the concerned person who used to run the said firm. He submitted that applicant No.2 is the house wife and had no knowledge about the business transaction. He further submitted that the applicant No.3 is the son of applicant Nos. 1 and 2 and was also not active partner of the said firm. He submitted that as a matter of fact the applicants could not comply with the terms of the tender/order given by the Jharkand Education Project Council to the applicants and therefore, their firm i.e. M/s. Salim Enterprises have refunded the advance payment accepted by them on 8.5.2015 and therefore, there was no question for the applicants to produce the alleged forged and/or bogus bank guarantees before the complainant-bank for its realization. He further submitted that

the applicants have been falsely implicated in the present crime. He further submitted that taking into consideration the illiteracy of the applicants, somebody has prepared the said bogus guarantees and presented with the complainant-bank. He therefore, prayed that the applicants may be granted pre-arrest bail.

4. Perused the record of investigation.

The record indicates that as a matter of fact the contract given by the said Jharkhand Education Project Council was cancelled in the year 2015 itself and the applicants thereafter refunded the aforestated advance payment received by them though RTGS mode to the said Council.

5. In view of the above, this Court is of the view that custodial interrogation of the applicants for further investigation of the present crime is not necessary and the applicants can be protected by pre-arrest bail.

Hence, the following order.

a) In the event of arrest in CR No.18/2017 dated 14.1.2017 registered with Worli Police Station, Mumbai, the applicants shall be released on bail on their furnishing PR bond of Rs.25,000/- each with one or two solvent local sureties in the like amount.

b) The applicant No.1 shall attend the Investigating Officer as and when called for between 11.00 a.m. to 1.00p.m. after receipt of notice under Section 160 of Cr.P.C. and to join the process of investigation till the submission of final report.

c) The applicants shall not tamper with the evidence and/or influence the prosecution witnesses.

d) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)