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

ANTICIPATORY BAIL APPLICATION NO. 840 OF 2017

Nazish Iqbal Sayed

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr.Mateen Shaikh a/w. Mr.Sajid Qureshi for the Applicant.

Ms.A.A.Takalkar, APP for the Respondent/State.

Ms.Lakshmi Pawar for Respondent no.2.

Mr.Prathmesh Vicchare, Crime Branch Unit No.VIII present.

CORAM : A.S.GADKARI, J.

DATE : 2nd FEBRUARY 2018.

P.C.:

1] By order dated 2nd May, 2017, the applicant was granted interim relief and directed to attend Investigating Officer on stipulated dates.

2] The FIR has been lodged by Shri.Satish Mangale. It is stated that he booked Mercedes Benz car at Auto Hanger Pvt. Ltd., Showroom Andheri (W). He initially paid Rs.one Lakh towards advance and subsequently paid 85 lakhs towards entire amount for the purchase of the said vehicle.

It is the case of the prosecution that the first informant handed over

the documents of car to his friend Amit Mishra. The accused Mr.Hemant Shete on the say of Amit Misha produced the said documents signed by the first informant and took delivery of the said vehicle. When the first informant went to take delivery of the said vehicle he had been informed by the company that the delivery of the said vehicle had already been taken by Mr. Hemant Shete. In the premise the FIR is lodged.

3] Perused the record of investigation.

It is alleged against the applicant that the said vehicle was found in possession of the present applicant which has been seized by the police. The records further indicates that the co-accused Amit Mishra and Hemant Shete are released on pre-arrest bail by the Sessions Court, Mumbai. *Prima facie*, it appears that there is a distinct transaction between the applicant and other co-accused.

4] In view of the above, the applicant is entitled to be released on pre-arrest bail. Interim order granted by order dated 5th May, 2017 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

5] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)