

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

**ANTICIPATORY BAIL APPLICATION NO. 1257 OF 2018**

Mohammed Yaseen Ashfaq Khan ... Applicant  
Vs.  
The State of Maharashtra & Anr. ...Respondents

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Mr. Ganesh K. Gole for the applicant.  
Mr. R.M. Pethe, APP for the Respondent-State.  
Mr. Shinde, PSI Cuffe Parade Police Station is present in person.

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**CORAM : PRAKASH D. NAIK, J.  
DATE : 27<sup>th</sup> AUGUST, 2018.**

**P.C.**

1. This is an application for anticipatory bail in connection with CR No. 164 of 2017 registered with Cuffe Parade Police Station, Mumbai for offence punishable under Section 420 read with 34 of Indian Penal Code.

2. None appears for the Respondent No.2. In pursuant to the order of this Court, the complainant was impleaded as Respondent No.2. Learned advocate for the applicant has filed affidavit of service of notice upon the Respondent No.2. The grievance of the complainant is that he was in need of urgent repairs for the gas burner of Faber Company. The complainant gave a call to

Justdial. Subsequently, applicant's company contacted the complainant and sent his person to get the repairs done at the request of the complainant. It is urged that the representation was made to the complainant that the applicant's company is authorised representative of Faber Company to carry out said repairs. It is further alleged that subsequently it was noticed that the repairs were not carried out with properly. The complainant made inquiries with the company i.e Faber Company and it was found that firm applicant's company was not authorised representative of the said company.

3. Application preferred by the applicant for anticipatory bail before the Sessions Court was rejected on 13<sup>th</sup> June, 2018.

4. Learned counsel for the applicant submitted that the applicant had never made any false representatives of the Faber Company. The applicant's firm namely Technocare is involved to carry out repairs of various appliance and registered with Justdial. He relied upon the documents relating to registration with Justdial. It is submitted that on receipt of intimation from Justdial, the applicant had sent his technician to the complainant for getting the repairs done. It is submitted that the offence under Section 420 of Indian Penal Code is not made out. The custodial

interrogation of the applicant is not necessary.

5. Learned APP submitted that the applicant has made false representation and induced the complainant to get the work of repairs. Firm of the applicant is not authorised by Faber Company. On inquiry with the said company, it was revealed that the applicant is not authorised agent of the said company. The complainant was mislead by the applicant's company. Thereby the case for grant of anticipatory bail is not made out.

6. On going through the First Information Report and hearing both the parties, it is seen that the applicant had registered his company namely Technocare with Justdial through which the applicant got intimation about the repairs to be carried out in relation to the gas burner of the complainant. The applicant was granted interim protection by this Court on 28<sup>th</sup> June, 2018. The applicant was directed to report as and when called by the police. It is submitted that the applicant was not called by the police for the purpose of investigation. The applicant had forwarded letter to the police intimating that he is available for the purpose of investigation.

7. Taking into consideration aforesaid aspects, I find that the custodial interrogation of the applicant is not required. Applicant

shall co-operate with the investigation.

### ORDER

- i) Anticipatory Bail Application No. 1257 of 2018 is allowed;
- ii) Interim order dated 28<sup>th</sup> June, 2018 is confirmed;
- iii) In the event of arrest of the applicant in connection with CR No. 164 of 2017 registered with Cuffe Parade Police Station, the applicant be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount;
- iv) The applicant shall attend the investigating officer as and when called for between 11 am to 1 p.m and to join process of investigation till the filing of the chargesheet;
- v) Application stands disposed off.

Digitally  
signed by  
Sachidanand  
Kuttan Nair  
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( PRAKASH D. NAIK, J. )