

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2022 OF 2016

Swapnil Patil vs. The State of Maharashtra

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Dinesh Tiwari with Mr. Swapnil Ambure and M. Dey i/by
Abhishek Samant for the Applicant.

Mr. R.M.Pethe, APP. for the State.

CORAM : A.S.GADKARI, J.**DATE : 23rd January, 2018**

P.C.

1. By an order dated 18.6.2017 the applicant was granted interim relief.
2. It is the case of prosecution in brief that, the applicant in connivance with other accused persons submitted bogus documents along with the application forms for activating Sim cards of Telenor Company. After receipt of confidential information by the police, the police conducted raid at various places and it is found that the documents annexed to the application forms submitted in the name of fictitious persons have been used for activating approximately 97 Sim cards or mobile numbers of the said company.
3. During the course of investigation, five accused persons have been arrested and after completion of investigation the police have submitted charge sheet.

4. Perused the documents.

The record indicates that the applicant is the distributor of Sim cards of Telenor Company and there are about 200 retailers who are working under him and/or conducting business of retail sale of the said cards. The record further indicates that it is the accused Kalimuddin Khan in connivance with co accused Arif Khan submitted various forms along with bogus and/or fabricated documents for activation of the Sim cards. Prima facie, it appears that the applicant has no direct control over the said accused Kalimuddin Khan and Arif Khan. The said Kalimuddin Khan is retailer having two shops namely Zoya Communication, Dudhbawadi, Bhiwandi and Khan Mobile, Near Aksa Hotel, Bhiwandi and he along with co-accused Arif Khan have submitted said 97 forms with the applicant while accepting delivery of Sim cards for its activation through the said Telecom company.

In view of the above, the applicant deserves to be protected by pre-arrest bail.

5. Interim relief granted by an order dated 22.6.2017 is hereby confirmed. However, the condition to attend the concerned police station is waived.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)