

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Bhura Mohd. Hanif Khan ..Applicant
vs.
The State of Maharashtra ..Respondent.

CORAM :A.S.GADKARI, J.
DATE : 11th December, 2018

1. The applicant is apprehending arrest in CR No. 249 of 2018 dated 12.7.2018 registered with Shivaji Nagar Police Station, Kolhapur under Sections 407 of the Indian Penal Code.
2. Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.
3. The prosecution case in brief is that the applicant is a Proprietor of M/s. Sparrow Fabrication Agency. He is commission agent in the field of ready made fabrics. It is the allegation that, under the pretext of providing processed fabric to M/s. Aththi Textile, Royal Textile and Raquia Fabrication collected the delivery of the said goods of the informant

approximately of Rs.43,81,476/- and did not pay the amount to the informant. When the informant made enquiry with the said firms it was revealed that the goods collected by the applicant have not reached to their establishment. In the premise, the present crime is registered.

4. The record of investigation indicates that, with a view to ascertain the allegations made by the informant the Investigating officer has not taken any pains to visit the establishment of the said three firms namely Aththi Textile, Royal Textile and Raqiya Fabrication situated at Mumbai. It further prima facie appears that, the applicant has acted as an agent in the said transaction of the said three firms and has no other interest than receiving his commission for sale of the said goods for the said three firms.

5. In view of the above, the applicant can be protected by pre-arrest bail.

6. Hence, the following order.

a) In the event of arrest in CR No. 249 of 2018 dated 12.7.2018 registered with Shivaji Nagar Police Station, Kolhapur, the applicant shall be released on bail on his furnishing PR bond of Rs.25,000/-with one or two solvent local

sureties in the like amount.

- b) The applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)