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

ANTICIPATORY BAIL APPLICATION NO.1749 OF 2019

Kafil Mohd. Siraj Khan

...Applicant

Versus

State of Maharashtra

...Respondent

Mr.R.R.Navik, for the Applicant.

Mr.S.S.Hulke, A.P.P for the Respondent - State.

API – Shobha Kharat, Unit – 10, DCB, CID, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 29th AUGUST, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.13 of 2019, registered with the D.C.B, C.I.D. Unit X, Mumbai, for the alleged offences punishable under Sections 406, 420, 411 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that the applicant was only the agent who supplied the iron material, which was given by the

accused No.1 – Kirankumar Reddy to accused No.2. He submits that as the applicant was an agent, he had no reason to believe that the accused No.1 was not authorized to give the said iron material to accused No.2. He submits that the money has been paid by the accused No.2 directly to the accused No.1 and that he has not received any money.

4. Learned APP states on instructions that the applicant has reported to the Investigating Officer of the concerned Police Station, as directed by this Court vide order dated 9th August, 2019.

5. Perused the papers. It appears that the applicant was only the agent who supplied the iron material, which was given by the accused No.1 to accused No.2. *Prima facie*, it appears that the applicant as an agent, had no reason to believe that the accused No.1 was not authorized to give the said iron material to accused No.2. It appears that even in the investigation it has transpired that the applicant has only received money, as a commission agent and nothing more.

6. Having regard to the peculiar facts of this case, the custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted vide order dated 9th

August, 2019, is confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount ;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station, as and when called;
- (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case;
- (iv) The applicant shall co-operate with the Investigating Agency.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.