

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

26 ANTICIPATORY BAIL APPLICATION NO.1469 OF 2021

SHAIKH FIROJ RAMJAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Jadhav Satej S.
APP for Respondent/State : Mr. A.S. Shinde
...

CORAM : PRAKASH D. NAIK, J.
DATED : 20/12/2021.

PER COURT :

1. The applicant is apprehending arrest in Crime No. 0732/2021 registered with Kotwali Police Station, District Ahmednagar for the offences punishable under sections 420, 467, 468, 471, 472 r/w. 34 of Indian Penal Code. The F.I.R. was registered on 4th October, 2021 against applicant and other persons.

2. During the course of investigation four accused were named in the F.I.R. and five other accused who are involved in the crime were arrested.

3. The case of the prosecution is that the co-accused had approached the complainant and represented that they can sell antique articles for an amount of Rs.50 lakh and if the investment is made in European based company namely Lio Metal, the complainant

could earn the returns of Rs.101 Crore. The accused who had approached the complainant had relied on certain letters with stamp to convince him to invest amount. Undisputedly the amount was not parted.

4. Learned counsel for the applicant submitted that the applicant was not present at the place of incident. At the instance of other persons who had made representation the name of the applicant was involved. Admittedly, the amount was not parted and the complainant had not been deceived.

5. Learned APP submitted that the co-accused were acting at the behest of the applicant. Custodial interrogation of the applicant is necessary. The co-accused were found in possession of fabricated documents and the offence relating to forgery were also invoked in the case.

6. It is not disputed that the applicant was not present on the date of raid at the place of incident. The complainant had not parted any amount to the accused. All the co-accused were arrested and granted bail. In these circumstances, the custodial interrogation of the applicant is not necessary. Hence, I pass the following order.

ORDER

i. ABA No. 1469/2021 is allowed.

- ii. In the event of arrest of applicant in Crime No. 0732/2021 registered with Kotwali Police Station, District Ahmednagar for the offences punishable under sections 420, 467, 468, 471, 472 r/w. 34 of Indian Penal Code, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount.
- iii. The applicant shall report the Investigating Officer on 28th, 29th and 30th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till the filing of the chargesheet.
- iv. The application is disposed of.

[PRAKASH D. NAIK, J.]

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