

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

ANTICIPATORY BAIL APPLICATION NO. 81 OF 2021

Zahid Ahmed Khurshid Ahmed	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. N.R. Bubna, for the applicant.
Mrs. J.S. Lohokare, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 5th FEBRUARY 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.461/2020 dated 24.12.2020 registered at Killa Police Station, Nashik Rural under Sections 406 and 420 read with 34 of the Indian Penal Code.

2. The FIR is lodged by one Tamilselvan Periyaswami. He has stated that he wanted to purchase textile machines for which he came to Malegaon. He met the present Applicant there. The informant was

accompanied by his two friends. The Applicant took them to the factory of one Pushpak Jakhotia. The informant decided to purchase 36 machines from Jakhotia. For initial transaction, he was asked to pay certain amount. Rs.6 Lakhs were paid in cash to one Shankar Singh, who in turn told the informant to deposit other amount in the account of the Applicant's firm. There are allegations that in all Rs.27 Lakhs were paid by the informant, out of which around Rs.10 Lakhs have come in the firm's account of the Applicant.

3. Heard Mr. N.R. Bubna, for the applicant and Mrs. J.S. Lohokare, APP for the State.

4. Learned Counsel for the Applicant submitted that out of the amount received by him, the Applicant has returned around Rs.4 Lakhs and the balance amount of Rs.6 Lakhs was also to be returned by co-accused Kalayarasan. The first informant has executed an affidavit to that effect which is annexed to this

Application.

5. On the last occasion, I had directed learned APP to take instructions to verify the above claim of the applicant. Today, investigating Officer is present in the Court.

6. Learned APP on instructions states that the first informant has not approached the Police and has not co-operated with the investigation. In this view of the matter, there is no reason at this stage, to doubt the applicant's claim that he had paid Rs. 4 lakhs to the first informant and the first informant was supposed to recover the balance of Rs. 6 lakhs from Kalayarasan i.e. accused No. 2. The affidavit to that effect was executed by the first informant on 18/12/2020. A copy of the same is at page 18 of the memo. The FIR is lodged subsequently on 24/12/2020.

7. In this view of the matter, the applicant can be

protected by order of anticipatory bail. However, he will have to attend the concerned Police Station and to co-operate with the investigation.

8. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No. 461 of 2020 registered with Killa Police Station, Nashik Rural, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned Police Station as and when called and shall co-operate with the investigation.
- (iii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)