

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

ANTICIPATORY BAIL APPLICATION NO. 94 OF 2021

Kaif Afzal Sorathia Applicant

Versus
The State of Maharashtra Respondent

Mr. Viral Rathod i/b Nouman Shaikh, for the applicant.
Mr. S.H. Yadav, APP for the State/Respondent.

CORAM: SARANG V. KOTWAL, J.
DATE : 15th FEBRUARY 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.250 of 2019 registered at Phaltan City Police Station, Satara, on 25/07/2019, under sections 406 and 420 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'F.I.R.') is lodged by one Imran Niyaj Ahmad Qureshi. It is his case that, he is in the business of sale and purchase of buffalo

meat. He got acquainted with the applicant and his father in law at Hyderabad. It is mentioned in the F.I.R. that the applicant's father in law Salman Latif requested the first informant to have business relations. It was decided at that time that, Salman Latif was to act on commission basis. It was further decided that the informant was to provide 29 MT of buffalo meat. The purchase order was placed. The informant sent the meat to M/s. Vinalines Logistics at Vietnam. The bill was prepared in the name of that company as was directed by Salman Latif. The meat was worth more than Rs.61 lakhs. After it was sent, Salman Latif and the present applicant did not make any payment to the informant. They avoided making payment on some pretext or other.

3. Heard Shri. Viral Rathod, learned counsel for the applicant and Shri. Yadav, learned APP for the State.

4. The learned counsel for the applicant submitted that the F.I.R. itself indicates that the business relations

were between the applicant's father in law and the informant. The applicant's name is shown at some place only to pressurize him.

5. Learned APP, on instructions of the Investigating Officer submitted that the applicant was working as a Manager with his father-in-law's company. Learned APP produced investigation papers before me. I have perused those papers. There are other witnesses but they only reproduced what the informant has stated in the FIR. The investigation papers also contain certain emails which show that those were sent by the applicant. However, learned APP on instructions makes a statement that those emails do not pertain to the present transaction which is subject matter of the present FIR.

6. I have considered these submissions. Investigation papers do not show something beyond what is mentioned in the FIR. The FIR clearly mentioned that the applicant's father-in-law made representations to the

first informant, which according to the first informant was inducement because of which he entered into business transactions with the accused. After this inducement, the informant placed orders with the applicant's father-in-law's firm. From that point onwards, the informant has described that the applicant was present with his father-in-law. However, beyond that, there are no allegations against the present applicant. The FIR mentions that the applicant's father-in-law Salman Latif was to act on commission basis.

7. Investigation papers also show that though the applicant had sent certain emails to other customers, investigation has not revealed anything to indicate that the applicant was himself instrumental in making any promise or inducement to the first informant in this case.

8. The applicant's father-in-law is already arrested and released on bail. Considering the lesser role attributed to the present applicant, his custodial

interrogation is not necessary. He can be directed to attend the concerned Police Station and to co-operate with the investigating agency.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.250 of 2019 registered at Phaltan City Police Station, Satara, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty 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 off accordingly.

(SARANG V. KOTWAL, J.)