

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

ANTICIPATORY BAIL APPLICATION NO. 359 OF 2021

Salim Qureshi ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

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Mr. Satish Muley a/w. Mr. Sajid Qureshi, for the Applicant.
Mr. S. S. Pednekar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 24th FEBRUARY, 2021

PC :

1. This is an application for anticipatory bail. The applicant is apprehending his arrest in C.R.No.565/2020 registered with Chembur Police Station for offences under Sections 420 and 506 read with 34 of Indian Penal Code. Subsequently, Section 409 of Indian Penal Code was invoked.

2. The case of the prosecution is that, the complainant had approached co-accused Wasim Qureshi who is conducting business in the name A to Z Car Enterprises. The complainant was shown car seized by the bank on default of loan and was assured to give vehicle and car with N.O.C. of the Bank after the payment is made. The price was fixed and the informant parted an amount Rs.2,,80,000/- to

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Aher

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Wasim. The car was not delivered to the complainant nor amount was returned to him.

3. As far as the applicant is concerned, although the applicant is named in F.I.R. No specific overtact has been attributed to him. Learned Counsel for the applicant submits that, the applicant is not involved in the alleged transactions. No role is attributed to him by the complainant or any other person merely. Merely since, some money is transferred into account from his son's account who is the co-accused in this case, it cannot be said that the applicant has complicity in the crime. The applicant is son Wasim has been arrested and he is in custody.

4. Learned APP submitted that applicant and his son are involved in the crime. Some amount has been transferred to the account of Wasim. The Investigating Officers were intimidated by the applicant. One more F.I.R is registered against the applicant.

5. Perused the F.I.R. and the order passed by the learned Sessions Judge. The application of the applicant was rejected only on the ground that some amount has been transferred into the account of the applicant from his son. It appears that there are several aggrieved persons only on account of the fact that some amount has been

transferred from the account of applicant's son who is an accused in this case applicant is sought to be arrested. The applicant was granted interim protection by Order dated 12th February 2011, which deserves to be confirmed.

6. Hence, the following order.

ORDER

- (i) Anticipatory Bail Application No.359 of 2020, is allowed;
- (ii) In the event of arrest of the applicant in C.R.No.565 of 2020, registered with Chembur Police Station, the applicant be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report appear before the Investigating Officer as and when called for after the period of two weeks from today.;
- (iv) Anticipatory Bail Application No.359 of 2021, stands disposed of.

7. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)