IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.493 OF 2021

Wasi Walid Rais ... Applicant
Versus
The State of Maharashtra ... Respondent

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Mr. Rajendra Rathod a/w Mr. Aamir Koradia i/b. Mr. Ali Bubere, Advocate for the Applicant.
Ms. Anamika Malhotra, APP for the Respondent – State.
Mr. Shankar P. Chondarkar, E.O.W. Thane City, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 2nd MARCH, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 581 of 2020 registered with Shanti Nagar Police Station, Dist. Thane for offences under Sections 420, 406, 409, 467, 468, 471, 477-A r/w Section 34 of Indian Penal Code. The First Information Report was registered on 21st October, 2020.

2. The case of the prosecution is that, the complainant, Krishnamurari Rudmal Murarka, Brijesh Kumar Khandelwal and Shabib Gulam Dastagir are partners of Sumit Developers and Sumit Maintainance. The companies current A/c No. 00586102000029351 is with IDBI Bank. Signatures of any two partners out of four is necessary for issuing cheques. Since 2013, accounts of the Company

RajeP. Aher Digitally signed by RajeP. Aher Date: 2021.03.08 17:21:42 +0530 are managed by Hanuman Taparia and the cheque book was kept with him. He used to get the signature of any two partners. Mr. Taparia in the month of July 2019 had brought in 5 chequebooks which started in series 7974(2), 7925(2), 7926(1). On 30.07.2019 the cheque book was demanded by the Shabib Dastagir Patel from Mr. Taparia. He did not give the chequebook to him and informed the Partners and the complainant about the same. Due to Covid-19 the Complainant and other partners did not come to office. Mr. Shabib Dastagir Patel and some of the staff used to attend the office for urgent work. After the Lockdown was eased for the purpose of paying the GST and the fees to CA the complainant checked the Account Statement and huge amount was missing and came to know that Shabib Patel had forged signature of one partner on certain cheques and transferred a huge amount of Rs.96,99,000/- (vide 13 cheques) to his personal saving A/c No.-58760102000030922 with IDBI Bank. The signature on the cheques were not signed by other three partners. Therefore, the present FIR was registered against the Accused No.1 Mr. Shabib Patel.

3. The applicant is not named in the FIR. His name was referred in the remand report dated 26th October, 2020. IDBI bank sent letter dated 22nd September, 2020 to Shabeeb Patel stating that cheques referred in the letter were cleared on the basis of signature

on record.

4. It is submitted that applicant was working as driver with accused No.1 and sometimes accompanied him to bank for depositing cheques. As per complainant cheque book were in custody of accountant. He used to obtain signatures of partners. It appears that the applicant is not beneficiary of the alleged crime and hence custodial interrogation of the applicant is not necessary. Hence, I pass the following order:-

ORDER

(i) Anticipatory Bail Application No. 493 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with in C.R. No. 581 of 2020 registered with Shanti Nagar Police Station, Dist. Thane, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the investigating officer as and when called for.

(iv) The applicant shall attend the investigating officer on 10^{th}, 11^{th}, & 12^{th} March, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.

(v) Application stands disposed of accordingly.

5. 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.)