

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 777 OF 2019**

Aziz Haji Shaikh

... Applicant

V/s.

The State of Maharashtra

... Respondent

None for the Applicant.

Smt. P. P. Shinde, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.**DATE : 23rd July 2021.****(Through Video Conferencing)****PC. :**

1. None for the Applicant.
2. Heard Smt. Shinde, learned A.P.P. for the Respondent-State.
Perused the record.
3. By an Order dated 25th April 2019, the Applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates to co-operate in the process of investigation.
4. Smt. Shinde, learned A.P.P., on instructions from Smt. Padma Kadam, Dy.S.P., Kolhapur submitted that, during the course of investigation, it is transpired that, the Applicant was simpliciter attending the Office of his brother Altaf Shaikh, who is the principal accused and has no direct role to

play in the present crime. She further on instructions submitted that, all the depositors have stated that, they have deposited money with Mr. Altaf Shaikh and not with the Applicant.

5. The record indicates that, principal accused Altaf Shaikh has been released on statutory bail. The only allegation against the present Applicant is thus that, he was accompanying his brother Altaf Shaikh, when the depositors deposited the amount with Altaf Shaikh and the Applicant along with his brother Altaf Shaikh all of a sudden closed their office since July 2017.

The record further indicates that, in pursuance of Order dated 25th April 2019, the Applicant has attended the Investigating Officer and has co-operated in the process of investigation.

6. In view of the above, the custodial interrogation of the Applicant is not necessary for further investigation of the present crime.

Interim relief granted by Order dated 25th April 2019 is confirmed. However, the condition to attend the Investigating Officer is waived.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]