

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

ANTICIPATORY BAIL APPLICATION NO. 1094 OF 2019

Amit Indranarayan Pandey ...Applicant
Versus
The State of Maharashtra and Anr. ...Respondents
None for the Applicant.

Ms. P. P. Shinde, A.P.P for the Respondent No.1– State.

Ms. Anjali Patil, for the Respondent No.2.

PC - Ankit Surve, BKC Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 10th AUGUST, 2021

P.C. :

1. None for the Applicant.
2. Heard learned APP for the respondent No.1 - State and learned counsel for the respondent No.2.
3. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.I-331 of 2018 registered with the BKC Police Station, Mumbai, for the alleged offences punishable under Sections 409, 420 r/w 34 of the Indian Penal Code.

3. This Court (Coram: Sarang V. Kotwal, J.) vide order dated 20th May 2019, granted interim protection to the applicant on certain terms and conditions. The allegation as against the applicant is that he had taken Rs.5,00,000/- from one of the main accused – Ketan and had given Rs. 2,00,000/- out of the said amount to another co-accused – Imran Khan and Rs.1,00,000/- to co-accused - Vishal and had retained Rs.2,00,000/ for himself. The applicant is neither a diamond merchant nor had anything to do in the sale of diamond. It is the prosecution case that the applicant was engaged for handing over the money to the co-accused.

4. Learned APP states on instructions that investigation is over and charge-sheet has been filed in the said case and that all the accused in the said case are released on Regular Bail.

5. Perused the papers with the assistance of the learned APP and learned counsel for the respondent No.2. It appears that there was some diamond transaction worth Rs.2 crores odd with the complainant by other co-accused. The applicant has not been named in the FIR. There is no allegation that the complainant ever met the applicant in connection with the said transaction. From the perusal of the application, it appears that the

applicant was asked to hand over Rs.5,00,000/- to Imran Khan. It is the applicant's contention that he was not aware of the purpose for which he was asked to hand over the said Rs.5,00,000/- to Imran Khan. Charge-sheet has been filed in the said case against all the accused.

6. In the facts, custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the interim protection granted by this Court vide order dated 20th May 2019, is confirmed on the following terms and conditions :-

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(ii) The applicant shall co-operate in the conduct of the trial.

7. The application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.