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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1321 OF 2019

Gulam Murtuza Ansari

.Applicant.

Vs.

The State of Maharashtra

.Respondent.

Mr. Kuldeep S. Patil i/b. Mr. Ankit R. Takde, Advocate, for the Applicant.  
Ms Veera Shinde, APP, for the Respondent - State.

CORAM : A. S. GADKARI, J.  
DATE : 16<sup>th</sup> DECEMBER, 2021.

**P.C.:-**

. Heard Mr. Patil, learned counsel for the Applicant and Ms Shinde, learned APP for the Respondent, State. Perused record of investigation.

2. By an Order dated 21.06.2019, Applicant was granted interim relief and was directed to attend the investigation officer on stipulated dates to explain the account of his firm in support of his contention that, he has already paid the entire amount either to the first informant or has utilized the said amount for his customers.

3. Record of investigation indicates that, on an earlier occasion, husband of the first informant namely Irfan Abdul Jabbar Shaikh had filed an Application with the Economic Offences Wing (EOW), Sangli with same

allegations against the Applicant. After receipt of the said Application, Police Sub Inspector, Economic Offences Wing (EOW), Sangli had issued a notice under Section 160 of the Code of Criminal Procedure dated 04.10.2018 to the Applicant calling upon him and other witnesses named therein to join enquiry in the said matter. Applicant alongwith other witnesses accordingly attended the concerned investigating officer and had participated in the said enquiry. Record indicates that even after lapse of 3 years, the said Application is still pending before the E.O.W., Sangli without finality to it.

4. In this background, the informant, Smt. Julekha Shaikh, wife of Irfan Abdul Jabbar Shaikh has lodged present crime with the same rather similar allegations against the Applicant. In furtherance of Order dated 21.06.2019, the Applicant has attended the investigating agency in the present crime and has produced necessary and relevant documents including the statements of his accounts.

Prima facie, it appears that as of today, except a few thousand rupees, nothing is due and payable by the Applicant to the informant and/or to her husband. It further appears that, the informant has lodged the present crime to settle score with the Applicant, who was also in the same business as informant was and nothing more. As the investigating agency has now seized all the necessary and relevant documents for the purpose of investigation, this Court is of the view that custodial

interrogation of the Applicant for further investigation of the present crime is not necessary and he can be protected by pre-arrest bail.

5. In view of the above, interim order dated 21.06.2019 is hereby confirmed. However, the direction to attend the investigating officer is waived.

The Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**