

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

**ANTICIPATORY BAIL APPLICATION NO. 2185 OF 2021
WITH
ANTICIPATORY BAIL APPLICATION NO.2186 OF 2021**

Salma Mohammed Salim Qureshi ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Mahesh Vaswani a/w Ms. Dharini Nagda i/by Salunke And Company, Advocate for the Applicant.

Mr.S.H. Yadav, APP for Respondent–State, in ABA 2185 of 2021.

Mr.R.M. Pethe, APP for Respondent–State in ABA 2186 of 2021.

Mr. Nanekar (A. P. I.) Chembur Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATED : SEPTEMBER 8, 2021.

P.C. :

Applicant is apprehending arrest in connection with C.R.No.45 of 2021 and C.R.No.565 of 2020, both registered with Chembur Police Station, Mumbai, for the offences punishable under Sections 420, 409, 504 and 506 read with 34 of Indian Penal Code (“IPC’, for short).

2 The prosecution case in C.R.No.45 of 2021, registered on 17th February, 2021, is that from 17th May, 2019, onwards the

owners of A to Z Car Finance, having its office at Rajkamal Compound, Chembur, namely, Wasim Qureshi, Kamlesh Jadhav, Rashid Qureshi, Salim Qureshi and their associates publishing advertisement on OLX in respect to Car No.MH-02 CL 8784, and other vehicles that cars are purchased in auction from banks and available for sale. Complainant was induced to part amount of one lakh and from various other persons amount of Rs.1,48,30,000/-, was collected and vehicle was not delivered. In C.R.No.565 of 2020, dated 18th November, 2020, it is alleged that, from March 2018, onwards, accused Wasim Qureshi, Kamlesh Jadhav, Rashid Qureshi, Adil, Imran, Salim, Gafer, Ismail Shaikh acted in connivance on behalf of A to Z Car Enterprises and gave advertisement on OLX about sale of car and induced complainant and others to part amount of Rs.33,05,000/-, and did not deliver vehicle.

3 Applicant's son Wasim was arrested in C.R.No.565 of 2020, on 19th November, 2020. Thereafter, C.R.No.45 of 2021 was registered. Wasim was arrested in second FIR. Charge-sheet was filed against arrested accused.

4 Applicant had preferred an application for anticipatory bail before the Sessions Court in both FIRs. By

common order dated 28th July, 2021, both the applications for anticipatory bail preferred by the applicant were rejected.

5 Learned advocate appearing for the applicant submitted that the applicant has been falsely implicated in this case. The applicant's son was arrested and he is in custody. The husband of the applicant Salim Qureshi was sought to be arrested in C.R.No.565 of 2020. He has been granted anticipatory bail by this Court vide order dated 24th February, 2021. He was sought to be arrested on the ground that some amount has been transferred in his account from the account of his son. The applicant had decided to go publicly for grievances on social media by holding press conference, she was taken to police station and thereafter notice under Section 41 of Cr.P.C. was issued to her. She is not involved in any transaction.

6 Learned APP submitted that she has acted in connivance with the co-accused. Her custodial interrogation is necessary. Several persons were cheated after collecting huge amount from them.

7 No material could be pointed out indicating that the applicant had made any false representations to the aggrieved persons. She was sought to be arrested belatedly. The son of the

applicant Wasim is arrested, and, he is in custody. The applicant had apparently forwarded complaint to various police authorities against the harassment. The husband of the applicant has been granted anticipatory bail in C.R.No.565 of 2020. Applicant is mother of Rashid, who held joint account with the applicant. There is entry of transaction relating to Rs.1,25,000/-, in the bank statement. The amount is not connected with the alleged fraudulent transaction. FIR was registered against Wasim Qureshi, Salim Qureshi, Kamlesh Jadhav, Rashid Qureshi and others. The applicant was not named as an accused in the FIR. In this circumstances, the applicant cannot be subjected to custodial interrogation.

:: ORDER ::

- (i) Anticipatory Bail Application Nos.2185 of 2021 and 2186 of 2021, are allowed;
- (ii) In the event of arrest of the applicant in connection with C.R.No.45 of 2021 and C.R.No.565 of 2020, registered with Chembur Police Station, Mumbai, the applicant be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/-, with one or more sureties in each case;

- (iii) The applicant shall attend the investigating officer on 15th, 16th & 17th September, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for, till filing of charge-sheet;
- (iv) Anticipatory Bail Application Nos.2185 of 2021 and 2186 of 2021, stand disposed of accordingly.

(PRAKASH D. NAIK, J.)