

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

ANTICIPATORY BAIL APPLICATION NO.2019 OF 2019

Dilip Jagannath Kale	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr. Niranjan Mundargi i/b Mr. Veerdhawal Deshmukh for Applicant.
Mr. Y. M. Nakhawa, APP for Respondent (State).
Mr. Amol Bawiskar, API, Goregaon Police Station, Mumbai.

CORAM : A. S. GADKARI, J.
DATE : 21st AUGUST, 2021.

PC. :

1. Heard Mr. Mundargi, learned counsel for the Applicant and Mr. Nakhawa, learned APP for the Respondent-State. Perused record.
2. By an Order dated 18th September 2019, Applicant was granted interim relief.
3. It is the prosecution case that, the Applicant introduced first informant with Shibu H. Shaikh (co-accused) and Vijay Deshmukh (deceased), owner of Samarth Marketing Company. The said two accused persons informed the informant about the MHADA Project/Scheme at Malvani, Malad (West) and advised him to invest his money in the said project to procure a house at lower price.

The record indicates that, during the pendency of the present Application, co-accused Vijay Deshmukh has expired.

The record further indicates that, the informant has paid the amount to Shibu H. Shaikh (co-accused) and to Vijay Deshmukh (co-accused) of Samarth Marketing Company. The role attributed to the Applicant is that, he only introduced the informant with Shibu H. Shaikh.

4. Learned counsel for the Applicant submitted that, the Applicant's daughter and other family members have also invested huge amounts in the said scheme and he himself is a victim. The record indicates that, the Applicant has not received any amount from the informant or co-accused in the present crime. The Police are seeking custody of the Applicant to trace out co-accused Shibu H. Shaikh.

Learned counsel for the Applicant has produced on record a charge-sheet in crime No.276 of 2016, registered with Malvani Police Station, Mumbai, wherein the said Shibu H. Shaikh is also an accused.

Perusal of the said charge-sheet would reveal that, the said Shibu H. Shaikh has been released on bail in the said crime. That, his address is mentioned on page No.3 of the said charge-sheet. It prima-facie appears that, the Investigating Officer of the present crime is not aware of the said other crime committed by Shibu H. Shaikh, wherein the present Applicant was also an accused.

May that as it may. As the address of co-accused Shibu H. Shaikh is now well within the knowledge of Investigating Officer of the present crime, the custodial interrogation of the Applicant for tracing out the address of Shibu H. Shaikh is not necessary.

5. In view of the above, custodial interrogation of the Applicant is not necessary and the Applicant can be protected by pre-arrest bail.

Interim relief granted by Order dated 18th September 2019, is hereby confirmed. However, the condition to attend Investigating Officer is waived.

6. Application is accordingly allowed in the aforesaid terms.

(A. S. GADKARI, J.)