

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

ANTICIPATORY BAIL APPLICATION NO.3010 OF 2021

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Mr. Nisar Ahmed Mistry

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Ashok M. Saraogi, for the Applicant.

Mrs. Rutuja Ambekar, APP for the Respondent – State.

Mr. Dhananjay Garje, PSI, Nayanagar Police Station – present.

CORAM : NITIN W. SAMBRE, J.

DATE : 20th DECEMBER, 2021

PC.

1. Applicant is seeking pre-arrest bail in Crime No.21 of 2020 registered with Nayanagar Police Station, Thane Rural for the offence punishable under Sections 354A, 420, 170 r/w 34 of IPC.

2. It is the case of the prosecution against the applicant is, applicant along with his nephew/accused No.1 and his brother/accused No.2 promised employment and extracted an amount of Rs.27,00,000/- and cheated the complainant .

3. With the assistance of the APP, I have perused the papers.

4. The applicant is neither named in the FIR nor specific role is attributed to him.

5. The only allegation as could be noticed against the applicant is, he attended phone calls and responded as customs officer and assured placement. Such weak piece of evidence cannot be considered to curtail the liberty of the applicant. I am informed that accused No.1 is already arrested.

6. In that view of the matter, in the event of arrest in Crime No.21 of 2020 registered with Nayanagar Police Station, Thane Rural for the offence punishable under Sections 354A, 420, 170 r/w 34 of IPC, applicant is directed to be released on bail on executing P R. bond of Rs.15,000/- with one or more sureties in the like amount.

7. Applicant shall attend the Investigating officer from 23rd December, 2021 to 28th December, 2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

8. Applicant shall co-operate to give voice sample and surrender his mobile forthwith.

9. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

10. As such, application stands disposed of.

[NITIN W. SAMBRE, J.]