

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.948 OF 2022

Sarfraz Akbar Kadari

...Applicant

Vs.

The State of Maharashtra

... Respondent

Mr.Nitin Gaware Patil for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 7 APRIL 2022

P.C.

. The Applicant, apprehending arrest, in connection with the investigation of Crime No.619 of 2021, registered with Jail Road Police Station, under Section 420, 406 read with Section 34 of Indian Penal Code, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint dated 7 December 2021 lodged by Nishad Vasant Joshi who is working as a Marketing Manager with M/s.Kesoram Industries Limited, Solapur.

3. The allegation is that thirty thousand bags of cement was supplied to the co-accused Imran Yakub Pathan, who is the

Proprietor of Simkan Infrastructure Project in respect of which the payment has not been received.

4. The allegation insofar as the present Applicant is concerned is that, he had introduced the informant with co-accused Imran Yakub Pathan.

5. The learned counsel for the Applicant submitted that Imran Pathan has been granted anticipatory bail. He points out that admittedly a complaint under Section 138 of the Negotiable Instrument Act is pending in respect of the dishonor of the cheques.

6. He submits that the Applicant has not been named as one of the accused in FIR. However, looking to the allegations in the FIR the Applicant has apprehension of arrest.

7. The learned APP submits that the Investigating Officer is not present today. He further pointed out that there are specific allegations of the Applicant having introduced the informant to the co-accused Imran Pathan.

8. In my considered view, the Application can be disposed of on a short count as the offences invoked against the Applicant are not punishable in excess of imprisonment for 7

years and thus the Investigating Officer may be obliged to issue a notice under section 41 A of Cr.P.C. to the Applicant, in the event he intends to effect the arrest of the Applicant and at present the Applicant is not shown as an accused in the Crime. (Arnesh Kumar V/s. State of Bihar & Another (2014) 8 Supreme Court Cases 273)

9. In such circumstances, the Criminal Application is disposed.

10. The Investigating Officer shall issue clear three working days notice under Section 41 A of Cr.P.C., in the event he intends to effect arrest of the Applicant. Liberty to the Applicant to renew the request for anticipatory bail, in the even of receipt of such notice.

C.V. BHADANG, J.