

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

ANTICIPATORY BAIL APPLICATION NO.249 OF 2022

Vijendrakumar Ashtbhuja Prasad Shrivastav Applicant
Versus
The State of Maharashtra Respondent

Mr. Prabhakar B. Parse, Advocate for the Applicant.
Ms. Sharmila S. Kaushik, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 9th FEBRUARY, 2022
[Through Video Conferencing]

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R.No.548/2021, dated 31.10.2021, registered with Nehru Nagar Police Station, Mumbai, under sections 420 read with 34 of the Indian Penal Code.

2. Heard Shri Prabhakar Parse, learned counsel for the applicant and Smt.Sharmila Kaushik, learned APP for the State.

3. The FIR is lodged by one Jagatnarayan Sharma. He has stated that, at the instance and inducement of the

present applicant, he had given Rs.26,60,000/- to the co-accused Faiyyaz for investment as the informant was told that the said co-accused Faiyyaz was getting a contract of Rs.11.50 Crores. Out of the investment of Rs.26,60,000/- made by the informant, Rs.5 lakhs were returned. Though he was promised return of Rs.2 lakhs per month. The balance amount was not returned. No further amount was given and the informant was cheated to the tune of Rs.21,60,000/-.

4. Learned counsel for the applicant on the last occasion had stated, on instructions, that the entire amount i.e. Rs.21,16,000/- which is subject matter of this FIR is deposited by the co-accused Faiyyaz in connection with his bail application before the Court of Metropolitan Magistrate and on that basis he was granted regular bail. Learned counsel was asked to substantiate this statement with the documents in the nature of bail orders etc.

5. Accordingly, learned counsel for the applicant has produced the bail order granting bail to the co-accused Faiyyaz. In paragraph-10 of the order dated 31.1.2022 passed

by the Metropolitan Magistrate, 34th Court, Vikroli, Mumbai in Bail Application No.76/BA/2022 in connection with this C.R., it is mentioned that said accused had already drawn a Demand Draft for the same amount and had submitted to that court.

6. Thus, the amount which is the subject matter of this FIR, is secured by depositing the same before the Magistrate's Court. In this view of the matter, custodial interrogation of the present applicant is not required. He can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.548/2021 registered with Nehru Nagar Police Station, Mumbai, the applicant is directed to be released on bail on his furnishing a PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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