

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

ANTICIPATORY BAIL APPLICATION NO. 826 OF 2022

Rishikesh R. Mishra

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Shivshankar Mishra a/w. Saurabh More for the Applicant.

Mrs.A.A.Takalkar, APP for the State.

API Mahendra Puri from Oshiwara Police Station present.

CORAM : ANUJA PRABHUDESSAI,J.

DATED : 1st APRIL, 2022.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant seeking pre-arrest bail in M.E.C.R.No. 6 of 2016 registered with Oshiwara Police Station for offences under Section 406, 420 r/w. 34 of IPC.

2. Heard Mr. Mishra, learned Counsel for the Applicant and Mrs. Takalkar, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the Order passed by the Magistrate under Section 156(3) of Cr.P.C. The Applicant was one of the Directors of Sky Fishers Airways Limited. It is the case of the Complainant that he had paid an amount of Rs.15,00,000/- for being trained as a Pilot. The Company did not complete its training, nor

refunded the money. He therefore lodged a complaint against the present Applicant for cheating and mis-appropriating his money.

4. It is to be noted that the crime was registered in the year 2016. Till date, the case is not investigated. No attempts were made even to apprehend the Applicant. The Application is opposed and custody of the accused is sought only after filing of the Application for pre-arrest bail. It is also stated that Nadeem Asif Tanveer had filed a complaint against the Applicant and other co-accused before Delhi Court on the same ground. It is stated that chargesheet has been filed in the said case and all the accused, including the present Applicant herein have been released on bail.

5. Learned Counsel for the Applicant has placed on record copy of the chargesheet filed in Crime No.2250 of 2015 registered at Mehroli Police Station. A perusal of which prima facie indicates that the Applicant herein had left the Company vide Agreement dated 17.01.2014 executed between Dipener Singh and M/s. Sky Fishers Airways.

6. Considering the above facts and circumstances, in my considered view, this would be a fit case to grant pre-arrest bail. Hence the Application is allowed on the following terms and conditions:-

(i) In the event of arrest of the Applicant in M.E.C.R.No. 6 of 2016

registered with Oshiwara Police Station, the Applicant be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for four days from 06.04.2022 from 11.00 a.m. to 2.00 p.m., and further as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.

(iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR
Digitally
signed by
PRASANNA P
SALGAONKAR
Date:
2022.04.07
12:34:43
+0530

(ANUJA PRABHUDESSAI, J.)