

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

ANTICIPATORY BAIL APPLICATION NO. 900 OF 2022

Ravi Patil ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Waqar N. Pathan for the Applicant.
Mrs. Sharmila Kaushik APP for the State.
Mr. Sunil Kengar from Malad 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 C.R.No.24 of 2022 registered with Malad Police Station for offences under Section 406, 420, 465, 467 and 471 of IPC.

2. Heard Mr. Pathan, learned Counsel for the Applicant and Mrs. Kaushik, 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 FIR lodged by Avinash Chotelal Sheth, who is having business of PUC Pipe fitting shop viz. "Heena Agency". It is the case of the Complainant that the accused no.1 had placed order of PUC pipes worth Rs.12,15,178/-. He had allegedly transferred Rs.2 lakhs in advance and had sent screen shot

to the Complainant. Subsequently, Accused No.2 Hemal Mehta called him and told him that he was coming to collect the goods. When the Complainant refused to give delivery without making full payment, he was sent a screen shot indicating that the balance amount was transferred. The Accused No.2 loaded the goods in a tempo and took away the same. The Complainant subsequently learnt that the amount was not transferred in his account. Both the Accused avoided receiving his calls. Upon enquiries he learnt that they had stopped their business and had blocked the GST number even before the said transaction. He, therefore, lodged a complaint against the Accused No.1 Shashikant Vishwakarma and Accused No.2. Hemal J. Mehta. The name of the Applicant is not reflected in the FIR. The only material against the Applicant, according to the APP is the statement of the co-accused. Learned APP states that both these accused have disclosed that the goods are kept in the godown of the Applicant. The said information was divulged on 13.2.2022.

4. The Applicant was on interim bail from 16.2.2022 to 30.03.2022. During this period the Investigating Officer has not taken any steps either to interrogate the Applicant or to search his godown. In the absence of any such material to show the involvement of the Applicant in the said crime, the Applicant cannot be detained in jail solely on the basis of the statement of the co-accused. Hence the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R.No.24 of 2022 registered with Malad Police Station, Mumbai, 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

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signed by
PRASANNA P
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(ANUJA PRABHUDESSAI, J.)