# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
## CRIMINAL APPELLATE JURISDICTION
## BAIL APPLICATION NO. 1468 OF 2022

Rafiq Ahmed Shaikh .. Applicant

Versus

The State of Maharashtra .. Respondent

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Mr. Prasanna Bhangale for the applicant.
Mr.S.V.Gavand, APP for the State.

**CORAM: BHARATI DANGRE, J.**
**DATED : 7th SEPTEMBER 2022**

**P.C:-**

1 The prosecution accuse the applicant of committing offence punishable u/s.406, 419, 420, 465, 467, 468, 471 r/w 34 IPC. He came to be arrested on 9/10/2021 in connection with the subject C.R, and on completion of investigation, the charge-sheet is filed.

The applicant seek his release on bail on the ground that there is no material connecting him to the crime in question, and his further incarceration after the material collected during investigation being compiled in the charge-sheet, is unnecessary.

The First Informant, who runs a Dairy, had an outstanding electricity bill of Rs.26,300/-. He received a call from one person who informed that he was calling from Torrent Power Co, and he was asked to clear his arrears and in absence of which he was warned of disconnection. The person at the other end also inform that he can reduce the amount of the bill, provided he comes with the cash. When he stood in the queue for payment of the bill, he met one individual who introduced himself as Sandeep Patil and showed his identity card as an employee of Torrent Power. He took the amount from the informant, went inside the office and though he received Rs.34,000/-, he handed over receipt of Rs.68,000/- depicting that the entire dues have been cleared. However, subsequently when the informant again received the notice from Torrent Power, requiring him to pay the bill, when he approached the office and showed the receipt, he was informed that the cheque of Rs.68,340/- which was given in his name, was dishonored.

2 As far as the present applicant is concerned, he is accused of being operating in hand-in-glow with the accused no.1 Sandeep Patil @ Abdullah Bilal Shaikh who had projected himself to be an employee of Torrent Power. As far as the present applicant is concerned, the charge-sheet accuse him of impersonating as a Senior Officer of Torrent Power Company, and he is also alleged to have induced the people to reduce the amount due and payable, and it is alleged that instead of depositing the amount with the Electric Company, the two accused persons had illegally benefitted themselves and divided

the amount. When the charge-sheet is perused, there is no material against the present applicant, except the accusations which is levelled. It is not the case of the prosecution that any amount is received by him in his account.

3 As far as the mobile number which has surfaced during the course of investigation, neither of the witnesses/informant have stated that they have received phone call from his number. In the wake of the present scenario, since now the material is already compiled in the charge-sheet which prima facie indict the accused no.1 as the kingpin and no amount is credited to the applicant who is arraigned as accused no.2, his further incarceration is unnecessary and he deserve to be set at liberty pending his trial. Hence, the following order :-

**O R D E R**

(a) The Applicant - Rafiq Ahmed Shaikh in connection with C.R.No.0325/2021 registered with Daighar Police Station, Thane City, shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police

Officer. The Applicant should not tamper with evidence.

(d) The Applicant shall make himself available as and when required by the Investigating Officer.

4 The Application is allowed in the aforestated terms.

**( SMT. BHARATI DANGRE, J.)**

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