

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2864 OF 2022

Mehboob Mohammad Salim Qureshi (Wasim Shaikh) ...Applicant

V/s.

The State of Maharashtra and Anr.

...Respondents

Mr. Mahesh Vaswani a/w Ms. Sheetal Patkar a/w Ms. Shreya Tiwari
a/w Ms. Dharini Nagda a/w Ms. Chitra Anant Salunke, for the
Applicant.

Mr. Amit Palkar, APP, for the State.

CORAM : N.R. BORKAR, J.
DATE : 06.12.2022.

PC. :

1. This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 221 of 2022 registered at Khalapur Police Station, for the offences punishable under Sections 406, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

3. The complainant Anand Chavan is in tours and travels business. He owns car bearing registration No. MH12-PQ-4004. According to the complainant, on 02/03/2022 the co-accused in the present crime namely Jayesh Patil took the said car on hire from him

for three months on the monthly rent of Rs. 40,000/-. The car was then returned to the complainant on 26/05/2022.

4. On 06/06/2022, one Yakub Shaikh residence of Hyderabad, had lodged the report at Malakapeth Police Station, Hyderabad alleging theft of the car in question. The car was seized in the said crime. According to the complainant, he found that the car owned by him was fraudulently sold to the said Yakub Shaikh.

5. During the course of investigation of present crime, it was found that the car in question was sold to Yakub Shaikh by the present applicant.

6. The learned counsel for the applicant submits that the applicant has nothing to do with alleged crime. It is submitted that the applicant had purchased the car in question from co-accused Jayesh Patil to whom the applicant had paid an amount of Rs. 6,00,000/-. It is submitted that the applicant then sold the car in question to Yakub Shaikh.

7. Admittedly, the applicant has received an amount of Rs. 6,75,000/- towards the sale of car in question. According to the applicant, he had paid amount of Rs. 6,00,000/- to co-accused Jayesh Patil towards purchase of the car in question, though he was not the registered owner. According to the applicant, said amount of Rs.

6,00,000/- was paid to the co-accused Jayesh Patil in cash. Payment by cash raises doubt about the genuineness of transaction between the present applicant and co-accused Jayesh Patil.

8. The learned counsel for the applicant submits that applicant without prejudice to his rights is willing to deposit the said amount of Rs. 6,75,000/-. However, it is not the simple case of commercial transaction. It is the case of forgery and fraud. The applicant is involved in few more crimes of similar nature. I am therefore, not inclined to release him on anticipatory bail.

9. The application is rejected.

10. The learned counsel for the applicant submits that the interim order passed by this Court be continued for three weeks to enable the applicant to approach the Hon'ble Supreme Court. The interim order dated 20/10/2022 shall remain in force for the period of three weeks.

[N.R.BORKAR, J.]