

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

**ANTICIPATORY BAIL APPLICATION NO.2296 OF 2019**

Ashok Kumar Dubey

...Applicant

Versus

The State of Maharashtra

...Respondent

....

Mr. Shehzad Naqvi i/b. Mr. Ashley Cusher for the Applicant.

Ms Rutuja Ambekar, APP for Respondent No.1-State.

Mr. Vishal Ghorpade, PSI, Powai police station is present.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.**

**DATED: 8<sup>th</sup> APRIL, 2022.**

**P.C.:-**

1. This is an application for pre-arrest bail in Crime No.275 of 2018 registered with Powai police station, Mumbai for offences punishable under Sections 171, 406 and 420 r/w. 34 of the IPC.

2. Heard Mr. Naqvi, learned counsel for the Applicant and Ms Rutuja Ambekar, learned APP for Respondent-State. 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 Abdul Kalim Khan. It is the case of the Complainant that Vinod Yadav

had approached him and introduced him to the Applicant and his son Abhay. It is alleged that the Applicant had informed the Complainant that one person was having currency in denomination of Rs.100 notes, which he wanted to exchange with Rs.2,000/- notes. It is stated that the said person was ready to give commission of Rs. 200 against each note of Rs.2000/-. It is stated that the Complainant paid Rs.5,00,000/- but was neither given Rs.2,000/- notes nor commission.

4. The material on record prima facie reveals that said cash was handed over to the co-accused Sunil and not to the Applicant. Learned APP, on instructions states that the investigation is completed and the charge sheet has been filed. Since the presence of the Applicant is not required for the purpose of investigation or interrogation, the Applicant is entitled to be released on pre-arrest bail.

5. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.275 of 2018 registered with Powai police station, Mumbai, the Applicant is ordered to be released on bail on executing PR bonds in the sum of Rs.30,000/-

with one or two sureties to the like amount;

(ii) The Applicant to attend the Trial Court on each and every date;

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

6. The application stands disposed of.

**(SMT. ANUJA PRABHUDESSAI, J.)**