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

ANTICIPATORY BAIL APPLICATION NO.3217 OF 2022

SAHEB HUSAIN SHAIKH ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
INTERIM APPLICATION NO.3934 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.3217 OF 2022**

SANJAY HANUMANT KIRTIKAR ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Dr. Abhinav Chandrachud i/b. Mr. Datta Mane for the
applicant.

Ms. A. A. Takalkar, APP for State.

Mr. Rohan Bansal i/b. Lex Rex Jurist for the intervener.

Mr. Suresh Mane, PI, Azad Maidan Police Station.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 13, 2022.

P.C. :

1. Heard learned counsel for the applicant.
2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 420, 465, 466, 467, 471 read with 34 of the Indian Penal Code, 1860 vide First Information Report (FIR) No.269/2022 registered with

Aazad Maidan Police Station.

3. The chargesheet has already been filed. One of the accused is named as Prashant Bansal. It is case of the Investigating Officer that the applicant herein-Saheb Husain Shaikh is in fact 'Prashant Bansal'. The complainant in the First Information Report (FIR) alleged that on the website of 'OLX' he found that one company by name 'Patil Digitals' was offering NPA properties at extremely reduced prices. Accordingly, the informant paid Rs.1,75,000/- as an investment amount. The informant has stated that he always dealt with the office staff of the company but later came to know that the company was owned by Ravindra Tukaram Patil, Anwar Qureshi, Peter Sequeira and Prashant Bansal. The applicant claims to have never met the owners. Later on, neither the property as promised was given to the informant nor money was returned him. It was later revealed during the course of the investigation that several investors have been duped.

4. Learned counsel for the applicant submitted that the applicant herein has nothing to do with the said company

except that on some occasions, being an advocate he had rendered advise to Parvez Shaikh (accused no.2). Even the telephone number which was projected as belonging to Prashant Bansal by the employees of the said company, was not that of the applicant herein.

5. Learned APP submitted that the investigation revealed and from the chargesheet it is seen that a sum of Rs.20 lakhs has been deposited in the account of the applicant.

6. Learned counsel for the informant and learned APP opposed the application. According to him, the applicant and Prashant Bansal are one and the same person and it is in fact Prashant Bansal who was operating the said company and responsible for the said transactions. On record, there are some statements of the employees that the applicant is in fact Prashant Bansal.

7. The applicant is a practicing advocate. Though it is submitted on behalf of the applicant that he is not at all concerned with the said company which was looked after by Ravindra Tukaram Patil and others, however, to show the *bonafides*, without prejudice to his rights and contentions, it

is submitted on instructions that a sum of Rs.5 lakhs will be deposited by the applicant in the trial Court in the following manner.

(I) An amount of Rs.2 lakhs will be deposited within a period four (4) weeks from today. A further sum of Rs.2 lakhs will be deposited within a period of eight (8) weeks from today and the remaining of Rs.1 lakh will be deposited within a period of ten (10) weeks from today. The said deposits will abide by the orders that may be passed by the trial Court.

8. Considering that the chargesheet has already been filed against the co-accused and the case rests mainly on the evidence of the informant as well as on the documentary evidence, the custodial interrogation of the applicant may not be required. The applicant is willing to co-operate. Moreover, to show his *bonafides*, the applicant has agreed to deposit a sum of Rs.5 lakhs in the manner indicated hereinabove. The Investigating Officer is investigating into the matter and the applicant has to co-operate. Learned counsel for the applicant submits that the applicant will co-operate. There are no criminal antecedents reported against the applicant. Hence the following order.

ORDER

(a) In the event of arrest in connection with FIR No.269/2022 registered with Aazad Maidan Police Station, the applicant-Saheb Husain Shaikh shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(b) The applicant shall attend the concerned police station on 19th, 20th and 21st December, 2022, between 10.00 a.m. to 12.00 noon. The applicant shall report to the investigating officer thereafter on the first Sunday of every month, between 10.00 a.m. and 12.00 noon and/or as and when called. The applicant shall co-operate with the investigation.

(c) The statement of the applicant referred to in the body of the order is accepted as an undertaking to this Court.

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

(e) The applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(f) The applicant shall not leave the jurisdiction of Mumbai/Mumbai Suburban District without permission of the trial Court.

9. The application is disposed of.

10. The interim application is disposed of.

(M. S. KARNIK, J.)