

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

ANTICIPATORY BAIL APPLICATION NO. 2569 OF 2018

Zahid Hussain Butt	 Applicant
v/s.	
The State of Maharashtra and anr.	 Respondents

Mr. Pachapansingh Gusign for the Applicant.
Mr. S.H. Yadav, APP for the State.
Mr. Kishor Ankush Rane, ASI, Sahar Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th APRIL, 2022.

P. C. :-

. This is an Application under section 438 of Cr.P.C. for pre-arrest bail in C.R.No.332/2018 registered with Sahar Police Station, Mumbai for offences punishable under sections 465, 468, 471 and 420 of the Indian Penal Code.

2. Heard Mr. Pachpansingh, learned counsel for the Applicant and Mr. S.H. Yadav, 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 First

Information Report (FIR) lodged by Saeed Abdul Hamid Sahikh. The case of the Complainant - Saeed Abdul Hamid Shaikh is that the Complainant and the Applicant were the Directors of M/s. Four Bros. Movers and Packers Pvt. Ltd. The Complainant had alleged that the Applicant had misappropriated the funds and has also forged his signature on the resignation letter.

4. It is to be noted that the complaint in this regard was earlier lodged on 08/01/2017. By notice dated 28/05/2018, the concerned police station had issued notice to the Applicant on 28/05/2018 and 09/07/2018 and he was called upon to produce all the relevant papers. Accordingly, the Applicant herein had produced the relevant documents before the concerned police officer vide letter dated 12/07/2018. No action was initiated upon the said complaint.

5. The records reveal that the complainant thereafter lodged a fresh complaint on 31/10/2018 on the same set of facts, pursuant to which the aforestated crime came to be registered. The Applicant was released on interim bail on 07/12/2018. The Applicant had reported to the Investigating Officer and has been duly interrogated. It is seen that though the crime was registered in the year 2018, till date, the

Investigating Officer has not concluded the investigation and has not filed the charge sheet. No explanation is forthcoming for the delay in investigation. No grounds are made out for custodial interrogation of the Applicant. Under the circumstances, the Anticipatory Bail Application is allowed on following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.332/2018 registered with Sahar Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer as and when required by them ;

(c) 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.

PREETI
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(SMT. ANUJA PRABHUDESSAI, J.)