IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 39 OF 2023

1. Sameer Amir Shaikh
2. Asghar Shah ..Applicants

VS.

The State of Maharashtra ..Respondent

WITH
INTERIM APPLICATION NO. 158 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 39 OF 2023

Bank of Baroda Through
Mr. Deepak Shahakar ..Applicant

IN THE MATTER OF

1. Sameer Amir Shaikh
2. Asghar Shah ..Applicants

VS.

The State of Maharashtra ..Respondent

Mr. Fakhruddin Khan a/w Saima Ansari, for the Applicants.
Ms. A. A. Takalkar, APP for the State.
Ms. Heena Faruki, for Intervener.
Mr. Prakash Kadam, PSI, Manikpur Police Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 20, 2023

P.C. :

1. Heard learned counsel for the applicants, learned counsel for the intervener and learned APP for the State.

2. This is an application for bail by the applicants-Sameer

Amir Shaikh and Asghar Shah in connection with C.R. No.422 of 2022 dated 18/11/2022 registered with Manikpur Police Station for the offence punishable under Sections 420, 465, 468, 471 of the Indian Penal Code, 1860.

3. The FIR was filed by one Deepak Nemraj Shahakar. It is the prosecution case that the complainant is a bank employee. The allegation was against unknown persons who allegedly had stolen the cheque and RTGS form from the bank and replaced the same with another forged RTGS form with the beneficiary name as that of the accused Shaikh Hussain. The amount of Rs.9 lakhs was transferred into the account of Shaikh Hussain i.e. Accused No.4 instead of the Developer. This amount of Rs.9 lakhs was supposed to be transferred into the account of Developer from the account of Mr. Shailesh but due to the act of the unknown accused, the amount of Rs.9 lakhs was transferred into the account of accused No.4. From the CCTV footage it came to light that the accused No.3 replaced the form. On 16/11/2022, the victim Mr. Shailesh came to the bank to verify the details of the amount which was deducted from his account but was not credited into the Developers account. It is from the CCTV footage and after obtaining details, the bank came to know that the same has been transferred into the account of accused No.4. The accused was arrested.

4. Learned counsel for the applicants submitted that the applicants are not named in the FIR. He submits that there is a delay in filing the FIR. It is submitted that the main accused are already in custody and the applicants custodial interrogation is not required.

5. Heard learned counsel.

6. The co-accused- Shaikh Hussain had purchased the gold ornaments from Takwa Jewellers and Kunal Jewellers from out of the said amount of Rs.9 lakhs. These ornaments were sold by the applicants for an amount of Rs.5 lakhs. It is alleged that the accused who are in custody along with the present applicants are involved in this racket. A similar modus operandi was adopted by the applicant No.1 at Hyderabad when an offence was registered against him. No doubt, he has been granted anticipatory bail in that case. There is thus a criminal antecedent against the applicant

No.1. There are no antecedents reported against the applicant No.2. The investigation is proceeding in the present case.

7. Considering the manner in which the alleged offence is committed and the nature of accusations, it cannot be said that the custodial interrogation of the applicants is not required. The offence needs to be thoroughly investigated.

8. The application stands rejected.

(M. S. KARNIK, J.)