

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

ANTICIPATORY BAIL APPLICATION NO.235 OF 2023

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Hannan Khan

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Shaquiel Ahmed a/w Mr. Gaurav Pandey and Mr. Salman Kaleem i/by Mr. Aayush Pandey for Applicant.

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

Mr. Raghunath Narote, API, Achole Police Station, Palghar – present.

Mr. Achole, P.S. of Palghar – present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 21, 2023

P.C. :

1. Heard learned counsel for the Applicant and learned APP for the State.

2. On 9th February 2023, the applicant was protected by an interim order. The relevant portion of the order reads thus:-

“2. This is an application for pre-arrest bail by the applicant in connection with C.R. No.1034 of 2021 dated 20/08/2021, registered with Tulinj Police Station, under sections 406 and 420 of the Indian Penal Code, 1860 and sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.

3. The complainant alleged that she was induced by accused no. 1 Govind Singh Rajput to invest money in his company namely Eaglight. Accordingly, the complainant invested a sum of Rs. 18,52,000/- in the company. The First

Information Report was registered on 20/08/2021. The supplementary statement of the complainant came to be recorded on 21/08/2021 wherein she stated that a sum of Rs. 10,28,000/- was handed over in cash to the present applicant for investing in the company called Eaglight.

4. Materials on record reveal that said amount was handed over by the applicant to the accused no. 1. So far as the applicant is concerned, it is alleged that he has received a commission of Rs. 37,000/-. Considering the nature of the allegations, it is necessary that the applicant cooperate with the investigation. From the First Information Report though the applicant has collected cash, he is not the one who induced the complainant to invest money. The applicant can be granted interim protection.

5. In the meantime, in the event of arrest of the applicant in respect of C.R. No.1034 of 2021, registered with Tulinj Police Station, the applicant Hannan Khan, shall be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- with one or more sureties in the like amount.”

3. The applicant reported and co-operated with the investigation.

4. Considering the nature of allegations, the main accusations are against the accused no.1 who induced the complainant to invest the amount in the company. It is not the applicant who has induced the complainant. It is alleged that the applicant was working as a commission agent and that he received a commission of Rs.35,000/-. The interim protection, therefore, needs to be confirmed as the custodial interrogation of the applicant is not required. There is no criminal antecedent against the applicant. Hence, the following order.

O R D E R

- (a) The application is allowed.
 - (b) In the event of arrest of the applicant in connection with C.R. No.1034 of 2021, dated 20th August 2021, registered with Tulinj Police Station, the applicant shall be released on bail on his furnishing P.R. Bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
 - (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;
 - (d) The applicant shall attend the concerned Police Station on 25/02/2023 and 26/02/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for.
- 5.** The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)