

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO. 271 OF 2023**

Firoz Attaulla Khan

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satyavrat Joshi a/w Ms Shivani Kondekar i/b Mr. Samay Pawar for the Applicant.

Ms Rutuja Ambekar, APP for the State.

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**CORAM : N.R. BORKAR, J.**

**DATED : 30 JANUARY 2023**

**P.C. :-**

This is an application under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 150 of 2022 registered at Bharati Vidyapeeth Police Station for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The allegations against the applicant and other co-accused are of criminal breach of trust and cheating.

4. The bail is sought on the ground of parity. In support of the said ground, the learned counsel for the applicant has filed on record copy of the order passed by this Court dated 28 September 2022 in Anticipatory Bail Application No. 1661 of 2022, filed by the co-accused- Dawood @

Hashim Yakub Shaikh. The said order reads thus :

- “1. On 24/06/2022 by well reasoned order this Court has granted ad-interim protection to the applicant from arrest.*
- 2. The investigation till date depicts that the applicant alongwith other three co-accused have sold the gold ornaments which were given in the lawful custody of the co-accused.*
- 3. The applicant so as to show his bonafide as against the allegations of receiving of 5 tola gold has deposited an amount of Rs.2,00,000/- in Trial Court.*
- 4. Considering the fact that the applicant allegedly have received gold of 5 tola gold, it will be appropriate in my opinion to direct the applicant to deposit Rs.1,00,000/- more in Trial Court within period of two weeks from today to which learned counsel for the applicant on instructions from the applicant is in agreement with.*
- 5. As such, subject to aforesaid compliance, the ad-interim protection stands confirmed.*
- 6. If the applicant produces sufficient evidence with the investigating officer of deposit of aforesaid additional amount of Rs.1,00,000/-, in the event of his arrest in crime no. 150 of 2022 registered with Bharati Vidyapeeth police station for the offence punishable under sections 406, 420, applicant be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties in the like amount.*
- 7. The applicant shall attend the Investigating Officer as and when directed.*
- 8. The applicant shall neither tamper with evidence nor influence the witnesses in any way.*
- 9. The application stands disposed of.”*

5. The learned counsel for the applicant submits that the applicant without prejudice to his rights is willing to deposit Rs. 3 Lakhs.

6. Considering the fact that allegations against the present applicant and co-accused- Dawood @ Hashim Yakub Shaikh are identical and therefore, I am inclined to release the applicant on anticipatory bail. Hence, the following order:

- (i) Application is allowed.
- (ii) In the event of arrest of the applicant- Firoz Attaulla Khan in Crime No. 150 of 2022 registered at Bharati Vidyapeeth Police Station for the offences punishable under Sections 406 and 420 of the Indian Penal Code, he shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount subject to deposit the amount of Rs. 3 Lakhs by the applicant before the trial Court within three months from today.

**( N.R. BORKAR, J. )**