

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

BAIL APPLICATION NO. 464 OF 2022

Imran Wali Ahmed Shaikh ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Shailendra Singh and Prabhat Dubey - Advocate for the
Applicant

Mr. H. J. Dedhia - APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 14th JULY, 2023

P. C. :-

1. Heard learned Advocate for the Applicant and learned
APP. Investigating officer is present.

2. This Court has heard this matter on earlier dates also.
The allegations against the present Applicant is about interacting
with the first informant. There is Company by name Explore
Adventure tourism LLC and and the first informant Smt. Kamlesh
Saniyavay has done investment in the said Company. It is probably
for the reason that the Company is in need of the finance. They
arranges travel plan for Indian National to going abroad. Admittedly,
the present Applicant is not Director of the said company. All the
amounts are deposited in the Bank accounts mentioned in the F.I.R.

standing in the name of the said Company. F.I.R. is registered with Tulinj Police Station bearing No. 855 of 2021 under Section 420 read with 34 of the Indian Penal Code and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act. The Applicant was already granted bail in another F.I.R. registered at same Police Station at C.R. No. 1362 of 2019 under Section 420 and 406 of the Indian Penal Code. The first informant in that offence is one Pournima and amount invested is in the different Company by name Dubai Adventure Tour travels.

3. After investigation of present C.R. No. 855 of 2021, it is disclosed that there are in all eight victims. The wife of the present Applicant is the Director in Explore Adventure tourism LLC. It is claimed that she is in Dubai, yet Police could not arrest her. Though Investigating Officer has communicated with the Passport Authorities, for want of necessary details, passport details could not be found out.

4. Total amount misappropriated comes to Rs. 73,84,792/- (page 226). Amount invested by the first informant was deposited in account of wife of the Applicant. From the amount invested by other investors, present Applicant is concerned, with an amount of Rs. 19,20,000/- paid to the Applicant by way of cheque and remaining amount of Rs. 2,50,000/- by way of cash.

5. After taking instructions, learned Advocate for the Applicant disputes about receiving any amount by way of cash. He is behind bar since 08/07/2021. After taking instructions from brother of the Applicant, without prejudice learned Advocate for the Applicant expressed his desire to deposit 50% and it comes to Rs. 9,60,000/- within a period of two weeks. Even he has assured to co-operate the Police after release on bail. He is having a passport. He is ready to deposit before the trial Court.

6. Considering above circumstances, I do not think that his further detention is justified. Hence the Order :-

ORDER

- (i) Bail application is allowed.
- (ii) Applicant-Imran Wali Ahmed Shaikh arrested in connection with C.R. No. 855 of 2021 registered with Tulinj Police Station for the offence punishable under Section 420 read with 34 of the Indian Penal Code and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors Act, be released on bail on furnishing Personal bond and surety bond in sum of Rs. 25,000/-.
- (iii) He is at liberty to deposit amount of Rs. 9,60,000/- before the trial Court that is Court of the Additional Sessions Judge, Vasai within a period of two weeks

from today.

- (iv) He is further directed to deposit his passport before the Court of Additional Sessions Judge, Vasai, it is to be done prior to accepting the surety.
- (v) He is directed to co-operate the Police as and when required.
- (vii) Needless to say, violating of the condition above will make the Applicant liable for cancellation of bail after notice.
- (viii) the Trial court to pass an appropriate order about disbursal of the said amount after hearing both the sides. Till that time the amount be deposited in nationalized bank as per the rules.

7. It is made clear that the these are my *prima facie* observations and the trial Court shall decide the case on its own merits without influenced by the observations made in this order.

8. Application is disposed of in the aforesaid terms.

9. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]