

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

ANTICIPATORY BAIL APPLICATION NO. 335 OF 2022

Mr. Amitkumar Virendra Gupta	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Saurabh More for the Applicant.
Mrs. A.A. Takalkar, APP for the State.
Mr. Dharmaji Dakhore, Oshiwara Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 26th APRIL, 2023.

P. C. :-

. This is an Application under section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in M.E.C.R. No.06/2016 registered with Oshiwara Police Station, Mumbai for offences punishable under sections 406, 420 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and 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 order passed by the Magistrate under section 156(3) of Cr.P.C. The Applicant was

one of the Directors of Sky Fishers Airways Limited. It is the case of the Complainant that he had paid an amount of Rs.15,00,000/- for being trained as a Pilot. The Company did not complete the training, nor refunded the money. He therefore lodged a complaint against the present Applicant for cheating and mis-appropriating the money.

4. It is to be noted that the crime was registered in the year 2016. Till date, the crime is not investigated. No attempts were made even to apprehend the Applicant. The Application is opposed and custody of the accused is sought only after filing of the Application for pre-arrest bail. It is also stated that Nadeem Asif Tanveer had filed a complaint against the Applicant and other co-accused before Delhi Court on the same ground. It is stated that charge sheet has been filed in the said case and all the accused, including the present Applicant herein have been released on bail.

5. Learned counsel for the Applicant submits that the Applicant has already resigned as a Director. He has placed on record copy of the Resignation Letter and Form No.32. He states that the copy of the Resignation Letter and Form No.32 has been given to the Investigating Officer.

6. The records reveal that by agreement dated 17/01/2014, one Deepinder Singh had taken over the liability and has settled several claims. Considering the above facts and circumstances, this Court had by order dated 09/03/2022 granted interim protection to the Applicant. It is stated that the Applicant has already reported to the Investigating Officer and has co-operated with the investigation. In view of the above facts and circumstances, this would be a fit case for grant of pre-arrest bail. Hence, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in M.E.C.R.No. 06/2016 registered with Oshiwara 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 the Investigating Officer ;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the

complainant, witnesses or any person concerned with the case in any manner ;

(d) 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.

7. The Application stands disposed of.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)

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