

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

ANTICIPATORY BAIL APPLICATION NO. 500 OF 2023

Nihad Mohammed Khanji Baluch

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. H.C.Patel for the Applicant.

Mr. R.M.Pethe, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 8th MARCH, 2023.**

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in Crime No.758 of 2022 registered with Wadala T.T Police Station for offences under Section 406, 420 r/w. 34 of IPC.

2. Heard Mr. Patel, learned Counsel for the Applicant and Mr. Pethe, 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 FIR lodged by the Complainant Sanjiv Kumar Medh. He has stated that he was interested in purchasing certain vehicles. Co-accused Nihal Malik had introduced him to the owner of the company by name Kamal Translink Pvt. Ltd., who were the dealers of trailer vehicles. He has stated that the Applicant herein was working in the said company as Manager. The

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Complainant had transferred an amount of Rs. 30 lakhs in the account of the said company towards purchase of the 5 trailers. He has stated that though he had paid the amount, the vehicles were not transferred in his name. The Complainant therefore lodged the FIR against the Applicant and the other co-accused for cheating and misappropriation.

4. The FIR indicates that the Applicant was only an employee of Kamal Translink Pvt. Ltd. The money was not paid to the Applicant, but was paid to the owner of Kamal Translink Pvt. Ltd. The Applicant is not a beneficiary of the said transaction. Furthermore, the co-accused who had introduced the Complainant to the owner of Kamal Translink Pvt. Ltd. has already been granted bail. Considering the nature of the accusation against the Applicant, in my considered view, this is not a case which would justify custodial interrogation. Hence the order:-

(i) In the event of arrest of the Applicant in Crime No.758 of 2022 registered with Wadala T.T Police Station Crime, the Applicant be released on bail on furnishing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one or two sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) Applicant shall report to the Investigating Officer as and when required by the Investigating Officer for the purpose of investigation and interrogation.

(iii) Applicant shall provide his permanent as well as temporary

address, if any, and his contact details to the Investigating Officer.

(iv) Applicant shall not change his residential address without prior intimation to the Investigation Officer.

(v) Applicant shall not interfere with the complainant and the other witnesses in any manner.

. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)