

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

**ANTICIPATORY BAIL APPLICATION NO. 1018 OF 2023**

Keshav Kumar Sashi Bhushan Sinha @  
Keshav Kumar Sinha

..Applicant

v/s.

Shoaib Fakir Mahammad Patel  
& Anr.

..Respondents

Mr. Kalpesh Patil a/w. Vivek Rane i/b. Kuldeep Jain for the Applicant.  
Mr. S.V.Gavand, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.  
DATED : 10<sup>th</sup> APRIL, 2023.**

**P.C.**

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.414 of 2019 registered with Worli Police Station for offence under Section 420 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, 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 Shoaib Fakir Mahammad Patel. The grievance of the first informant in brief is that he had placed the order for an I-Phone on the website of

Digitally  
signed by  
PRASANNA P  
SALGAONKAR  
Date:  
2023.04.12  
12:43:38  
+0530

PRASANNA P  
SALGAONKAR

M/s. Target Electronics Concept Gadget. It was alleged that he had paid an amount of Rs.81,900/- towards the price of the said mobile phone. The Complainant had alleged that the company had neither supplied the phone, nor refunded the money. Hence the FIR came to be registered for offence under Section 420 of the Indian Penal Code.

4. The first informant had filed an affidavit, copy of which is placed at Exhibit E, stating that he has received the entire amount of Rs.81,900/- from the Applicant herein.

5. Learned APP states that the Investigating Officer has confirmed that the first informant has received the said amount from the Applicant. In view of which, in my considered view, this is not a case which was justify custodial interrogation. Hence the order:-

(i) In the event of arrest of the Applicant in Crime No.414 of 2019 registered with Worli Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;

(ii) The Applicant shall report to the Investigating Officer for as and when required by the Investigating Officer.

(iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.

**(ANUJA PRABHUDESSAI, J.)**