



Sayali Upasani

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

ANTICIPATORY BAIL APPLICATION NO. 1379 OF 2023

Arshad Jakir Khan ...Applicant
Versus
State Of Maharashtra ...Respondent

Mr.Veerdhaval Kakade i/b Mr. Mrunal Jadhav, for
Applicant.

Mrs. Ashwini Takalkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 21st AUGUST, 2023

P.C.:-

- 1) Heard the learned Counsel for the applicant and the learned APP for the State.
- 2) This is an application for pre-arrest bail in connection with C.R. No. 140 of 2022, registered with Hinjewadi police station, for the offences punishable under Sections 406 and 420 of Indian Penal Code, 1860.
- 3) On 28th June, 2023, when the matter was listed before this Court, this Court was persuaded to grant interim protection observing as under:-

“...2. According to the prosecution, the informant along with other victims paid an amount of Rs.7,54,000/- to the applicant for providing membership of a package wherein the victims would get six nights and seven days in a year in different resorts in India. The said package was not provided nor the amount was returned. Hence, they lodged a report against the applicant.

3. The applicant has filed affidavit stating that till 16th August 2023, he shall deposit entire amount of Rs.7,54,000/- in this Court in a manner stated in the affidavit. The affidavit is taken on record.

4. In view of the said affidavit, the applicant has made out a case for interim protection....”

4) The learned Counsel for the applicant submits that in terms of the affidavit, the applicant has deposited a sum of Rs.7,54,000/-, in this Court. The office report indicates that the applicant has deposited the said amount.

5) Having regard to the nature of the accusation the question as to whether the intention of the applicant was dishonest since the inception of the transaction or it was a case of mere failure to perform the promise would warrant determination. Moreover as and *bona fide* are shown by the applicant by depositing the said amount of Rs.7,54,000/- in this Court, the interim order passed by this Court on 28th June, 2023, deserves to be made absolute.

- 6) Hence, the application stands allowed. The interim order is made absolute on the terms and conditions incorporated in the order dated 28th June, 2023.
- 7) In addition, the applicant shall co-operate with the Investigation and appear before the Investigating Officer as and when directed.
- 8) The application stands disposed.
- 9) The amount deposited by the applicant be transferred to the Court of J.M.F.C., Pune, having charge of Hinjewadi police station.

[N. J. JAMADAR, J.]