

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

ANTICIPATORY BAIL APPLICATION NO.1572 OF 2023

Gopal Narseriya

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. R.R. Mishra for the Applicant.

Mr. S.V. Gavand, APP for the Respondent -State.

Mr. R.S. Sakpal, PI, Andheri Police Station, present.

CORAM: SMT. ANUJA

PRABHUDESSAI, J.

DATED : 7th JUNE, 2023.

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P. C. :-

1. The Applicant apprehends arrest in C.R. No.358 of 2022 registered with Andheri Police Station, Mumbai, for the offences punishable under Sections 406, 420 and 506 r/w 34 of the IPC.

2. Heard Mr. R.R. Mishra, learned counsel for the Applicant and Mr. S.V. Gavand, learned APP for the Respondent-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 Rakesh Radhesham Sakseria. The facts narrated in the FIR prima facie reveal that the Applicant and the First Informant were known to each other and the Applicant used to advise the First Informant on financial investments. It is alleged that the Applicant had introduced the First Informant to the co-accused, who was in need of money. The records prima facie reveal that the First Informant had paid to the co-accused an amount of Rs.1,00,40,000/- to invest in their business, who had assured to return the said amount with good returns. It appears that the co-accused have not repaid the entire amount and hence the FIR came to be lodged against them as well as against the Applicant for cheating and misappropriation.

4. The material on record indicates that the Applicant had only introduced the First Informant to the co-accused. There is no prima facie material to show that he has benefited in any manner.

5. Considering the nature of accusations against the Applicant, in my considered view this is not a case which would justify custodial interrogation. Hence, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.358 of 2022 registered with Andheri Police Station, Mumbai, the Applicant is ordered to be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the concerned Investigating Officer for a period of two days i.e. 14/6/2023 and 15/6/2023 between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer;
- (iii) The Applicant shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) 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.

6. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)