

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1699 OF 2023

Anjum Jafar Patel	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Advait Bhonde, for the Applicant.

Mr. Amit A. Palkar, APP for the State-Respondent.

Mr. S. G. Ide, PN., Dighi police station, Pimpri Chinchwad, Pune.

CORAM : AMIT BORKAR, J.

DATED : JUNE 19, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.101 of 2019 registered with Dighi police station, Pimpri Chinchwad, Pune for the offence punishable under Sections 419, 420 r/w 34 of the Indian Penal Code (for short 'IPC'). The applicant is seeking relief under Section 438 of the Code of Criminal Procedure (for short 'Cr.P.C.).

2. According to the prosecution, the accused No.1 started e-commerce business involving buying and selling of goods and delivering the goods to the end customers. Accused No.1 asked to informant to join his business. The applicant called upon the informant for investing in his business and offered handsome returns on investment. According to the informant, the applicant convince him to join the said business. The informant, therefore,

deposited amount of Rs.19,75,715/- in the account of accused Nos.1 and 2. The applicant is accused No.3. The investigating agency filed charge-sheet against other accused persons. The applicant approached to learned Sessions Judge, under Section 438 of Cr.P.C. which has been rejected by order dated 17 January 2022. Hence, present application.

3. On perusal of the material on record, prima facie, it appears that the informant has transferred the amount in the account of accused Nos.1 and 2. The applicant is accused No.3. The role attributed to the applicant is that, she called informant to invest and she was present in that meeting. Except aforesaid role, no other role is attributed to the applicant. Custodial interrogation of the applicant is not necessary. The applicant is, therefore, entitled relief under Section 438 of Cr.P.C., hence, following order:

a) In the event of arrest in connection with C.R. No.101 of 2019 registered with Dighi police station, Pimpri Chinchwad, Pune for the offence punishable under Sections 419, 420 r/w 34 of IPC, the applicant shall be released on bail on furnishing P.R. bond of Rs.50,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 21st, 23rd and 26th June, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

4. The Anticipatory Bail Application stands disposed of. No cost.

(AMIT BORKAR, J.)