

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

ANTICIPATORY BAIL APPLICATION NO. 2070 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Jamil Ahmed & anr. ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Karim Pathan, i/b I. Ansari, for the Applicants.
Smt. Ashvini Takalkar, APP for the State/Respondent.
IO Sushant Barachakar, PSI, Sahar Police Station, present.

CORAM: N. J. JAMADAR, J.
DATED: 27th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicants and the learned APP for the State.
2. This is an application for pre-arrest bail in connection with CR No.216 of 2023, registered with Sahar Police Station, Mumbai, for the offences punishable under Sections 170 and 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
3. When the application was listed before this Court on 30th August, 2023, this Court was persuaded to grant interim bail recording reasons. It was, *inter alia*, observed as under:

“7. *Prima faice*, it does not appear that the applicants were apprehended at the scene of occurrence. To establish the identity of the applicant, the prosecution primarily relies on the statement of the co-accused. It is pertinent to note that there is material discrepancy as regards the foreign currency of which the first informant was allegedly divested. In the FIR the first informant claimed that he had received the foreign currency from one of his customers. Whereas in the supplementary statement, it is claimed that the first informant has purchased the said foreign currency from a market at Zaveri Bazar, Jaipur. This discrepancy prima facie erodes the credibility of the informant's claim. Thirdly, the statement of the friend who was to travel to Dubai and to see off whom, the first informant had come to the Airport, does not indicate that she did come to the Airport to depart to Dubai on that day and met the first informant thereat.”

4. The learned APP, on instructions, submits that the applicants appeared before the Investigating Officer pursuant to the direction of the Court. Having regard to the nature of the accusation and the reasons which weighed with this Court in granting the interim bail, the custodial interrogation of the applicants does not seem to be warranted for further investigation.

5. I am, therefore, persuaded to make the order of interim bail dated 30th August, 2023 absolute on the terms and conditions incorporated therein, with the modification that the applicants shall appear before the Investigating Officer as and when directed.

6. The application stands disposed.

[N. J. JAMADAR, J.]