

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

ANTICIPATORY BAIL APPLICATION NO. 2100 OF 2023

Vaseem Raja Shaikh s/o. Salim Shaikh	 Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Rajkumar Avasthi a/w. Fayzon Khan h/f. Mr. Moin Khan for the Applicant.

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

Ms. Noorseema Baig for the Intervenor.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th AUGUST, 2023.

P. C. :-

. The Applicant apprehends his arrest in C.R.No.173/2023 registered at Kurla Police Station, Mumbai for offences punishable under sections 120-B, 420, 465, 466, 467, 468, 471, 472, 473 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. 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 Nasir Shaikh. The facts narrated in the FIR prima facie reveal that the first informant was in search of residential premises. The co-accused assured to arrange premises at reasonable rate with the assistance of MHADA officers. The FIR prima facie reveals that the first informant was cheated by the co-accused. The Applicant is implicated only on the basis of the statement of the co-accused that their associates -Wasim whose full name is not known, had received an amount of Rs.50,000/- from the first informant.

4. Considering this aspect, by order dated 31/07/2023, the Applicant was granted interim bail. Learned APP states that pursuant to the said order, the Applicant has reported to the Investigating Officer and that he has been interrogated.

5. It is to be noted that the initial complaint dated 18/05/2022 does not disclose the name of the Applicant herein. Learned APP states that the first informant who had seen the Applicant at the police station, has identified him and has confirmed that he is the same person who had received an amount of Rs.50,000/-. Learned APP concedes that no identification parade has been held. In such circumstances, the identity

at the police station would prima facie be of no relevance. Considering the above facts and circumstances and the reasons recorded in the order dated 31/07/2023, the interim bail granted in favour of the Applicant stands confirmed.

6. The Application stands disposed of.

**PREETI
HEERO
JAYANI**

Digitally signed
by PREETI
HEERO JAYANI
Date: 2023.08.19
13:08:49 +0530

(SMT. ANUJA PRABHUDESSAI, J.)