

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

ANTICIPATORY BAIL APPLICATION NO. 2820 OF 2023

Wasim Ahmed Farooque Shaikh ...Applicant

Vs.

The State of Maharashtra and Others ...Respondents

Mr. Vivek Arote with Ms. Namrata Awari, for Applicant.

Smt. A. A. Takalkar, APP for State.

CORAM:- N. J. JAMADAR, J.

DATED:- 12th DECEMBER, 2023

PC:-

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. 221 of 2022, registered with Khalapur police station, Raigad, for the offences punishable under Sections 406 and 420 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").

3) When the application was listed before the Court on 7th October, 2023 , this Court was persuaded to grant interim protection observing, *inter alia*, as under:-

“3.. The first informant lodged the report with the allegations that the accused No. 1 – Jayesh Patil had taken his car bearing registration No. MH-12-PQ-4404 on rent for a period of three months. The location of the said car was, however, noticed at Malikpeth, Hyderabad. The first informant and his friend went to Hyderabad and brought the car. Later on, it transpired that the said car was sold to one Yakub Shaikh and he had lodged report about the theft of the car. It thus transpired that the accused No. 1 Jayesh had fraudulently sold the car to the said Yakub Shaikh.

4. The role attributed to the applicant is that of being an RTO agent and facilitating the transfer of ownership of the vehicle and receiving a sum of Rs.7,000/-.

5. The learned Counsel for the applicant submitted that the applicant had processed the documents submitted by the co-accused and facilitated the transfer of the ownership of the vehicle. He was not at all a privy to the offences.

6. In the backdrop of the nature of the accusation, it does not appear that the applicant had a role in initially deceiving the first informant to hand over the car. The applicant came in the frame only when the ownership of the vehicle came to be transferred...”

4) The learned APP submits that the applicant in terms of the aforesaid order had appeared before the Investigating Officer and co-operated the investigation.

5) Having regard to the nature of the accusation, at this length of time, further custodial interrogation of the applicant does not seem to be warranted.

6) I am, therefore, persuaded to make the order of interim bail absolute.

7) Hence, the following order:-

ORDER

i) The order of Interim Bail dated 7th October, 2023 is made absolute on the terms and conditions incorporated therein.

ii) The applicant shall henceforth appear before the Investigating Officer as and when directed.

iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

iv) It is clarified that these *prima facie* observations are confined to determine the entitlement to pre-arrest bail only.

v) The application stands disposed.

[N. J. JAMADAR, J.]