

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

ANTICIPATORY BAIL APPLICATION NO. 2826 OF 2023

Tabrez Karar Khan	...Applicant
Versus	
The State Of Maharashtra	...Respondent

Mr. Shambhu M. Jha for Applicant.
Ms. A. A. Takalkar, APP for State/Respondent.
Mr. Deepak S. Patil, PSI, Kandivali Police Station, Mumbai, Present.

CORAM:- N. J. JAMADAR, J.

DATED:- 20th DECEMBER, 2023

PC:-

- 1)** Heard the learned Advocate for the applicant and learned APP for the State.
- 2)** This is an application for pre-arrest bail in connection with CR. No. 374 of 2023, registered with Kandivali Police Station, 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 9th October, 2023, this Court was persuaded to grant interim protection observing, *inter alia*, as under:-

“4. The learned Counsel for the Applicant submitted that the Applicant was a Counselor. The purported transactions were looked after by Mr. Mahesh Chavan, Head of Department. Yet to show his bonafide, the applicant is willing to deposit an amount of Rs.5 lakhs.

5. *The learned APP submitted that the investigation has revealed that out of the total amount of Rs.22,30,000/- a sum of Rs.4,35,000/- has been paid to the Applicant.*

6. *Whether the applicant was privy to the crime and the intention of the applicant was also dishonest since the time he made a representation to the students to enroll for the said course warrant investigation. I am, therefore, inclined to exercise the discretion in favour of the application and grant interim protection to the applicant subject to the applicant depositing an amount of Rs.5 Lakhs in this Court.*

4) The learned Counsel for the applicant submits that in terms of the aforesaid Order, the applicant has deposited a sum of Rs.5,00,000/- in the Court of Metropolitan Magistrate at Borivali. The learned Counsel further submits that the applicant has also appeared before the Investigating Officer.

5) The learned APP, on instructions of the Investigating Officer, who is present in the Court, submits that the applicant has appeared before the Investigating Officer and co-operated with the investigation.

6) In these circumstances and having regard to the nature of the accusation and the reasons which weighed with this Court and the fact that the applicant has already deposited a sum of Rs.5,00,000/-, I am impelled to make the order of interim bail absolute on the terms and conditions incorporated therein.

7) Hence the following Order :

ORDER

(i) Order of Interim Bail dated 9th October, 2023 is made absolute on the terms and conditions incorporated therein.

(ii) In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

(iii) The amount of Rs.5,00,000/- shall abide the Order which may be passed by the learned Metropolitan Magistrate, Borivali.

(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.]

CHAITANYA
ASHOK
JADHAV
Digitally
signed by
CHAITANYA
ASHOK
JADHAV
Date:
2023.12.22
17:35:19
+0530