

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

ANTICIPATORY BAIL APPLICATION NO. 3315 OF 2022

Suleman Raees Hussain Ahmed	... Applicant
v/s.	
The State of Maharashtra	 Respondent

**WITH
INTERIM APPLICATION NO. 442 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO. 3315 OF 2022**

Imran Mohammed Syed	... Intervenor
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In the matter between :-

Suleman Raees Hussain Ahmed	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Diwakar Singh i/b. Kajal Singh for the Applicant.
Mr. Shrikant Yadav, APP for the State.
None for the Intervenor.
Mr. Gokul Jagtap, IO, Sakinaka Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th APRIL, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.1798/2022 registered with Sakinaka Police Station, Mumbai for offences punishable under sections 408, 420, 465, 471, 506, 509 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant and learned APP for the State. 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 Imran Mohammed Syed. A perusal of the FIR prima facie reveals that the first informant owned company by name Inpact Machinery Pvt. Ltd. The main business of the Company was to manufacture machineries such as perfumes filling, oil filling, packaging machines, over wrapping machines, etc. It is stated that the said machinery was exported under due guarantee of service maintenance. The Applicant herein was an employee in the said Company as a Manager-cum-Supervisor. It is alleged that in the year 2017, the Applicant had taken some of the designs of the machines and he had made similar machines with an intention of selling the same to others. It is stated that upon being confronted, the Applicant tendered an apology and no further action was taken.

4. The grievance of the Complainant is that on 31/12/2021, one of the old customers informed his brother and complained about defective machinery. On verifying the documents and other records forwarded

by the said customer, it was revealed that the said machinery was manufactured by Company in the name of Ali Mac machinery. The Complainant realized that the Applicant had started the Company in the name of his wife and he was engaged in the similar business. The Complainant had stated that the Applicant had manufactured similar machines without his permission.

5. Learned counsel for the Applicant states that the Applicant had started the said Company after obtaining all the requisite permissions. He further states that the Applicant has been exporting the machinery under export license and that he has been paying GST on the said exported goods.

6. The grievance of the Complainant prima facie appears to be that the Applicant who was earlier working for him as a Manager-cum-Supervisor, has started similar business as that of the Complainant. Prima facie, no case of cheating or the other offences is made out. Hence, this is a fit case to exercise discretion under section 438 of Cr.P.C. Under the circumstances, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in

C.R.No.1798/2022 registered with Sakinaka Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer on 12th and 13th April, 2023 between 11:00 a.m. to 02:00 p.m.

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

7. The Application stands disposed of. Interim Application stands disposed of in view of disposal of Anticipatory Bail Application.

PREETI
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JAYANI

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by PREETI H
JAYANI
Date: 2023.04.11
10:48:45 +0530

(SMT. ANUJA PRABHUDESSAI, J.)