IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 3141 OF 2023

Rajesh Loku Shahani ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

Mr. Rizwan Siddiquee, i/b Siddiquee & Asso., a/w M. Hasan Nizami and Vishal Dharade, for the Applicant.
Smt. Ashwini Takalkar, APP for the State/Respondent.
PI Naveen Kumar, PS Cyber Crime West Gurgugram, Haryana, present.

CORAM: N. J. JAMADAR, J.
DATED : 4th DECEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. Since this is a transit bail application, the Court considered it appropriate to hear the Investigating Officer, Police Station, Cyber West, Gurugram, Haryana, where the FIR No.29 of 2022, in which the applicant apprehends arrest, for the offences punishable under Sections 419 and 420 of the Indian Penal Code, 1860, is registered.

3. Mr. Naveen Kumar, PSI, PS Cyber Crime West, Gurugram, Haryana, is present.

4. The learned Counsel for the applicant submitted that the FIR was registered on 22nd November, 2022. Notice under Section 41A of the Code of Criminal Procedure, 1973 ("the Penal Code") was served on the applicant on 22nd October, 2023 and the applicant was directed to appear at the said police station on 23rd October, 2023. The applicant apprehends arrest as the Investigating Officer, the applicant alleges, has acted in a highhanded manner. The applicant and his family members were allegedly detained in Amboli Police Station for a couple of hours and an illegal demand was made.

5. The learned Counsel for the applicant further submitted that the applicant has not been named in the FIR. Nor the applicant has any nexus with the account No.001805012930 of Laxmi Cargo, maintained with ICICI Bank, in which the first informant was allegedly induced to deposit the sum of Rs.20,00,000/-.

6. The learned APP countered the submissions on behalf of the applicant as regards the illegal detention and unlawful demand. The learned APP further submitted that Pranay Kishor Nayak, in whose name the said account stands, has stated that he had allowed the applicant, who is the friend of the said Pranay Kishor Nayak, to operate the said account.

7. *Prima facie,* it appears that, the applicant was not named in the FIR. The account in which a part of the allegedly defrauded amount was got transferred *ex facie* does not stand in the name of the applicant. The applicant has shown willingness to appear before the Investigating Officer and work out the remedies before the jurisdictional Court. The offence under Section 420 of the Penal Code entails punishment, which may extend to seven years.

8. In the aforesaid view of the matter, it may be expedient to grant limited protection to the applicant.

9. Hence, the following order.

: O R D E R :

(i) The applicant shall appear before the Investigating Officer, Police Station Cyber West, Gurugram, Haryana, on 11th December, 2023 in between 10.00 am. to 1.00 pm.

(ii) In the meanwhile, in the event of arrest of the applicant in CR No.29 of 2022, registered with Police Station Cyber West, Gurugram, Haryana, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the persons acquainted with the facts of the case.

(iv) This order shall remain in operation till 18th December, 2023.

Application stands disposed.

[**N. J. JAMADAR, J.**]