



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 543/2023

(Faisal Syed Minhajuddin Kazi V/s State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.P. Bhandarkar, counsel for the applicant.
Mrs. Sneha Dhote, APP for the non-applicant/State.
Mr. Sk. Sabahat Ullah, counsel for Asst. to Prosecution.
Mr. V.V. Dahat, counsel for Asst. to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/12/2023.

1. By this application, the applicant is seeking pre-arrest bail, in the event of his arrest, in connection with Crime No.230/2022, registered at Police Station, Sitabuldi, District Nagpur for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860..

2. The learned counsel Mr. S.P. Bhandarkar for the applicant submitted that the applicant is apprehending arrest as the accusation against him is on the basis of report lodged by Siddharth Naresh Dahikar dated 09/06/2022 alleging that on 10/01/2020 through newspaper, he learnt about 'Ahna Energy Limited' so he contacted the office of the company wherein he meet the present applicant as well as the brother of the present applicant namely Shiraz Minhajoddin Kazi, who was Marketing Head of the said company. The present

applicant and his brother assured him about his bright future, in that business with a minimum earning of Rs.3000/- per day. Therefore, he has invested the amount of Rs.5,00,000/- for the Mobile Bio-diesel Van and Rs.2,00,000/- for the raw materials. Thereafter, the business went on smoothly for some time. Thereafter, the company stopped giving bio-diesel material. His deposit amount is also not refunded.

3. The learned counsel for the applicant further submitted that even if the allegation has taken as it is, the dispute is of civil nature, and no criminal offence is made out against the present applicant.

4. He further submitted that now the investigation is completed and charge-sheet is filed, the purpose of the investigation is already completed, and the applicant has cooperated with the investigating agency. Now, no purpose will be served by sending the applicant behind the bar and prays for confirmation of the ad-interim protection granted in his favour.

5. The learned APP and learned counsel for the informant strongly opposed the present application on the ground that there is prima-facie material against the present applicant to connect with the alleged offence and prays for rejection of the application.

6. Having heard both the sides and on perusal of the recitals of the FIR, it reveals that the informant has invested the amount on the assurance given by the present

applicant and his brother. Considering the allegation as it is, prima facie, it appears that the dispute between the parties is of civil nature.

7. Furthermore, now the investigation is already completed and charge-sheet is filed, no purpose will be served by keeping or sending the applicant behind bar. The part of the interrogation is already completed, and there is no allegation that the applicant has not cooperated with the investigating agency.

8. In the above circumstances, the interim protection granted to the present applicant deserves to be confirmed by imposing certain conditions. Accordingly, I proceed to pass following order:

- a. The criminal application is **allowed**.
- b. In the event of his arrest in connection with Crime No.230/2022, registered at Police Station Sitabuldi, District Nagpur for the offences punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860, the applicant – Faisal Syed Minhajuddin Kazi, be released on anticipatory bail on furnishing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.
- c. The applicant shall not leave the jurisdiction of the Nagpur District without prior permission of the concerned Court.

- d. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case, and shall not tamper with the prosecution evidence.
- e. The applicant shall furnish his cell phone number and address along with the address proof before the learned trial Court.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J]