

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

ANTICIPATORY BAIL APPLICATION NO. 1124 OF 2024

Mosin Bilal Chaudhary

..Applicant

Versus

The State of Maharashtra

..Respondent

Mr. Milan Desai a/w. Rohan Naidu for Applicant.

Ms. Poonam P. Bhosale, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 25 APRIL 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.201 of 2024 registered at Wakola Police Station, Mumbai, on 15.02.2024, under sections 420 r/w. 34 of the Indian Penal Code.

2. Heard Mr. Milan Desai, learned counsel for the applicant and Ms. Poonam Bhosale, learned APP for the State.

3. The F.I.R. is lodged by one Ramjit Jaiswal. He has stated that, he was in the business of selling garments. On 10.02.2024, he received a WhatsApp call from an unknown

number. The caller introduced himself as Arun Kothari and offered to give garments at cheaper price. The caller called the informant to his office at Santacruz on 11.02.2024. The informant went there but he did not give the exact address. The caller told him that he was busy and called him after some time. On 12.02.2024 that caller again called the informant and asked him to come to yellow gate. The informant went there. He received another WhatsApp call from another phone number and the caller told him that his name was Kumar Kothari. Again nothing happened on that day. On 14.02.2024 again the informant received a call and he was called at Santacruz on 15.02.2024. On that day, he went to Santacruz. He had brought Rs.5 lakhs with him. When the caller had called from the first phone number he claimed to be Arun Kothari, he again called the informant and told him that his man was waiting at the signal. At about 4:10p.m. one unknown person was seen at the signal. He called the informant towards him. He told the informant that his name was Sagar and he was sent by Arun Kothari. He asked the informant and his brother to follow him. They were following him. The bag containing Rs.5 lakhs was carried by the informant on his

shoulder. The informant had brought one frock as a sample. That person, on the pretext of checking that sample, took that bag with him. In the meantime, a white car came behind them. There were three persons. They got down. The person who claimed to be Sagar sat in the car with the bag and went away. The informant did not realise anything. After some time, the informant called on the same phone number and told him that his person had taken the money. The informant was called to Sion circle, but nobody came there. He realized that his money was lost and he lodged this F.I.R.

4. Learned counsel for the applicant submitted that there is absolutely no material against the present applicant. He is not named in the F.I.R. The informant did not know the accused. However, in the remand report the police claimed that one person named Mosin had played a part in this offence. He submitted that, the material against the applicant is vague and weak. The applicant cannot be arrested on the basis of this vague material.

5. Learned APP produced the investigation papers before the Court and, in particular, she relied on the statements of the

arrested accused Dilip Thakur and Jafar Shaikh. She submitted that the material against the present applicant can be gathered from those statements. There are photographs of the applicant in the investigation papers.

6. I have considered these submissions. Dilip Thakur has stated that one Javed was indulging in fraudulent transactions. He had introduced Dilip to one person named Mosin; who was also indulging in similar activities with Javed. On 14.02.2024, Javed called Dilip and asked him to arrange a vehicle. Dilip then called another accused Jafar asking him to arrange for a vehicle. On 14.02.2024, Jafar called Dilip to Kalina. Dilip went there. Jafar came there with two friends and one Mosin and told him that one person would come there and that he was to be taken to some distance in that car. Dilip and all of them waited for that person. Javed went away. One Mosin received a phone call. He got down. After some time, Mosin took a blue coloured bag from one person and sat in the car. All of them went away.

7. Jafar has given a similar statement. Jafar has not named Mosin. Thus, it appears that these accused are not telling the entire truth. But, apart from that, even from these statements, no particular material can be gathered against the present applicant to pinpoint his exact role in the offence or whether said Mosin was none other than the present applicant. The photographs which are included in the papers were not shown to these accused and, therefore, identity of the applicant is also not established. At this stage, there appears to be weak material against the present applicant. However, to rule out the possibility of his involvement and for the purposes of investigation, as well, the investigating agency can be given an opportunity to question him. For that purpose, it would be sufficient if the applicant is directed to appear before the investigating agency and further is directed to co-operate with the investigation. If the applicant does not remain present or does not co-operate, then the investigating agency can make an application for cancellation of anticipatory bail granted to the applicant by this order.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.201 of 2024 registered at Wakola Police Station, Mumbai, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station from 06/05/2024 to 09/05/2024 between 1.00p.m. to 5.00p.m. and shall cooperate with the investigation.
- iii) With the aforesaid observations and liberty, the Application is disposed of.

(SARANG V. KOTWAL, J.)