

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

ANTICIPATORY BAIL APPLICATION NO.146 OF 2024

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Ramesh Zora

...Applicant

versus

The State of Maharashtra

.... Respondent

Mr. Aziz Kamal Shukla a/w Aarti Bhandari a/w
Fehmeeda Khan a/w Aniket Pardeshi for the Applicant.
Ms. Mahalakshmi Ganapathy, APP for the State, APP for the State/
Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R. No.641 of 2023 registered at Dindoshi Police Station, Mumbai on 7th September 2023 under Sections 406, 420, 465, and 468 of IPC.
2. Heard Mr. Aziz Shukla, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, APP for the State.
3. Learned APP states that investigating Officer is on sick leave and, therefore, she is not in a position to assist the Court.

Therefore, I have heard the parties for consideration of ad-interim relief.

4. The FIR is lodged by one Rajnish Mishra. He has described that he was in financial difficulty. He was working as a manager at one Hotel in Andheri from October 2021 to June 2023. He got in touch with the visitors of his Hotel who were staying in the Hotel. In the FIR, two such customers namely Ashfaq Shaikh and Atit Gaur were mentioned. Out of them, Atit Gaur told him that he knew some people in their company who were accepting investments, and if Rs.70,00,000/- were invested within a couple of hours, the investors would get Rs.1,00,00,000/-. The informant initially did not believe that but Atit Gaur showed him a screen shot of his bank account statement to support his claim. The informant got swayed by such representation. He discussed this with Ashfaq Shaikh and both of them decided to go ahead with such investments.

5. Through some efforts they raised the amount of Rs.70,00,000/-. On 2nd May 2023, they went to the company's office at Malad. There were other accused persons in the

company. The accused who were named in the FIR, Samrat, Ashok, Sunil Yadav and Atit Gaur were present. They accepted Rs. 70,00,000/- but no money was deposited in the informants bank account. The money and those persons disappeared and the informant suffered heavy losses. On these basis the FIR is lodged.

6. Learned counsel for the Applicant pointed out that the Applicant is not named in the FIR. He submitted that the Applicant has absolutely no connection with the entire episode. However, his bank account is freezed and the police are suspecting that he has received some part of the amount which is the subject matter. He is apprehending his arrest. He submitted that there is absolutely no connection of the Applicant with the alleged incident. At this stage, from the allegations in the FIR there appears to be some substance in the submissions of the learned counsel for the Applicant. The Investigating Agency will have to demonstrate as to how he is connected with the main accused and in commission of the offence. Till such material is produced before the Court, the Applicant can be

protected by interim relief with the directions to the Applicant to attend the police Station and to co-operate with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. 641 of 2023 registered at Dindoshi Police Station, Mumbai till the next date Applicant is directed to be released on bail on his executing PR bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend the concerned police station on 5th February 2024, 6th February 2024, and 7th February 2024, between 1.00 PM. To 5.00 P.M. and thereafter as and when called.
- (iii) The Applicant shall co-operate with the investigation.
- (iv) This order shall operate till 16th February 2024.
- (v) Stand over to 16th February 2024.

(SARANG V. KOTWAL, J.)