

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

ANTICIPATORY BAIL APPLICATION NO.222 OF 2024

Asif Islam Shaikh	Applicant
Versus	
State of Maharashtra	 Respondent

Mr. Shahed Ali Ansari, Advocate for the Applicant.
Ms. Pallavi N. Dabholkar, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 25th JANUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.636/2023 registered with V.P. Marg Police Station, Mumbai on 7.12.2023 under Sections 409, 420 read with 34 of IPC.
2. Heard Mr. Shahed Ali Ansari, learned counsel for the Applicant and Ms. Pallavi Dabholkar, learned APP for the Respondent-State.
3. The FIR is lodged by one Mukesh Kumar . He has stated that he was in the business of Steel Products. He was conducting his business mostly through telephone. In November, 2022, the Applicant called him and sent his visiting-card of M/s. Sahara Enterprises, Kondhawa. The Applicant told the informant that the said company was having large business and that the informant can have business transactions with that company and it was a safe

business. In December, 2022 one Sunil Nikam contacted the informant and told him that he got his reference through the present Applicant . One Shabir Shaikh also contacted the informant and again told him that the reference was given by the present Applicant. Both these accused took the goods worth Rs.5,19,696/-. The co-accused had sent the purchase orders are well. However, after the goods were sent by the informant in December, 2022, the payments were not made. Those two co-accused Shabir Shaikh and Sunil Nikam as well as the present Applicant severed all contacts with the informant. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the Applicant has no concern with the other two co-accused. At the highest the allegations are that the Applicant has introduced the informant and those two co-accused with each other. Thereafter the entire business was independent of the Applicant's intervention. Therefore, the Applicant cannot be said to have committed any offence. He submitted that the Applicant is willing to cooperate with the investigation.

5. Learned APP submitted that the other two co-accused are absconding and at this stage it is important that the investigating agency inquires with the present Applicant.

6. Considering these submissions, ad-interim protection can be granted to the Applicant with directions to attend the concerned police station and to cooperate with the investigation. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.636/2023 registered with V.P. Marg Police Station, Mumbai, till the next date, the Applicant be released on bail on his executing a P.R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) This order shall operate till 7.3.2024.
- (iii) The Applicant shall attend the concerned Police Station from 12.2.2024 to 15.2.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. The Applicants shall cooperate with the investigation.
- (iv) Stand over to 7.3.2024.

(SARANG V. KOTWAL, J.)