

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

ANTICIPATORY BAIL APPLICATION NO.486 OF 2024

Mithlesh Pandurang NaikApplicant
Versus
The State of Maharashtra Respondent

Mr. Randhir Singh, Advocate a/w. Madhu Malti Singh,
Aafreen Shaikh, for the Applicant.

Ms. Mahalakshmi Ganapathy, APP for the Respondent-State.

Mr. Rahul Sharma, Advocate i/b. Gaurav Pandey, for the
intervenor.

CORAM : SARANG V. KOTWAL, J.

DATE : 26th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1665/2022 registered with Oshiwara Police Station, Andheri, Mumbai.

2. Advocate Mr. Rahul Sharma states that he has instructions to appear for the first informant. He seeks time to file intervention application. At his instance today I am adjourning the matter to enable him to file intervention application.

3. Today, I have heard learned counsel for the Applicant as well as learned APP for consideration of ad-interim relief.

4. I have perused the FIR. The FIR is lodged by the first informant Sukhpreet Singh. He wanted to invest in a mining business in Karwar, Karnataka. The main allegations in the entire FIR are against Asif Ahmad and the informant's friend Ravi Bakharu. It is alleged that both of them took various amounts from him and ultimately cheated him and did not allow him to conduct his mining business. They took more than Rs.2 Crores from the informant. There are allegations that Ravi lodged a false FIR against the present first informant. The allegations against the present Applicant are that he had entered into conspiracy with Ravi and when the FIR was lodged against the present Applicant he had helped Ravi in lodging that FIR by making false allegations. There are allegations that the present Applicant has participated in the illegal conspiracy. The informant was also threatened through a telephone call.

5. Learned counsel for the Applicant submitted that as can be seen, the main allegations are against the other accused. There is only vague reference to the present Applicant's role. He has nothing to do with the earlier arrangement between the first informant, Ravi, Asif and others. Therefore, only to pressurize the Applicant, the present FIR is lodged.

6. Learned APP submitted that there are transcripts of the conversation recorded in the mobile phone seized from the accused No.1 Asif. She submitted that on the next occasion, she will produce the transcripts of that conversation.

7. Considering these submissions, the Applicant can be granted ad-interim relief till the next date. It is made clear that the Applicant will have to attend the concerned police station on particular dates and cooperate with the investigation. Learned counsel for the intervenor makes a grievance that threats are issued to learned counsel also.

The investigating officer shall look into these allegations and take appropriate measures in that behalf.

8. Hence, the following order:

ORDER

- (i) In the event of his arrest in connection with C.R.No.1665/2022 registered with Oshiwara Police Station, Andheri, Mumbai, till the next date, the Applicant 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) This order shall operate till 5.4.2024.
- (iii) The Applicant shall attend the concerned Police Station from 11.3.2024 to 15.3.2024 between 1:00 p.m. to 5:00 p.m. and thereafter as and when called. He shall cooperate with the investigation.
- (iv) The first informant is permitted to file intervention application before the next date, with a copy to other side.
- (v) Stand over to 5.4.2024.

(SARANG V. KOTWAL, J.)