

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

Anticipatory Bail Application No.1553 of 2024

Asif Maqsoud Khan ... Applicant.

Vs.

The State of Maharashtra

(at the instance of Malad

Police Station) ... Respondent.

Mr Randhir Singh for the applicant.

Ms Rajeshree Newton, APP for respondent/State.

API Mahesh Mundhe, Malad police station is present.

Coram: R. N. Laddha, J.

Date : 12 June 2024.

P.C. :-

Heard Mr Randhir Singh, learned Counsel for the applicant and Ms Rajeshree Newton, the learned Additional Public Prosecutor for respondent-State.

2. This is an application for pre-arrest bail filed by the applicant apprehending his arrest in CR No.316 of 2024 registered at Malad Police Station, Mumbai, for the offences punishable under Sections 419, 420, 423 r/w 34 of IPC.

3. It is the case of the prosecution that the informant, Shivkumar Ramnath Gupta, lodged a complaint against the applicant and others alleging that they conspired together and cheated him by accepting Rs.20 lakhs from him on the pretext of selling their flat, which, in fact, was not owned by them.

4. Learned Counsel for the applicant submits that applicant is no way concerned with the alleged transaction. The alleged amount of consideration was deposited in the account of co-accused Prashant Girnikar and the applicant is not the beneficiary.

5. On the other hand, the learned APP contends that during the investigation, role of present applicant is revealed. Though the amount was deposited in the account of co-accused, Prashant Girnikar, the account was, however, operated by the present applicant through his mobile phone. Prashant Girnikar, co-accused is absconding and his address was found to be incorrect. The applicant is involved in similar type of offences in the past. The investigation is at a nascent stage. The applicant is mastermind of this crime.

6. Upon perusal of the records, it appears that there are witnesses who implicated the applicant in the present crime. The applicant is involved in similar type of offences in the

past. *Prima facie*, there is a material to show that the applicant was operating the bank account of the co-accused Prashant Girnikar, who is absconding and his address was found to be incorrect. The investigation is in progress. In the circumstances, custodial interrogation of the applicant would be necessary. In view of the above, the application stands rejected.

[R. N. Laddha, J.]