

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

Anticipatory Bail Application No.2015 of 2024

Wasim Salim Shaikh

Aged about 38 years,

Aadhar Card No.664912557868

R/o. KWG/374, Kohinoor Society

Opp: Kohinoor Hotel, Andheri(W),

Mumbai-400 058.

... Applicant.

Vs.

1. The State of Maharashtra

Through Sr.PI, CSMT Railway

Police Station, CST, Mumbai-400001

2. Rajesh Jagdish Chauhan

Having address :A/302, Sai Darshan Apt.,

Rose Garden Complex, Achole road,

Sankeshwar Nagar, Near Sai Baba mandir,

Vasai, Thane 401209

... Respondents.

Mr Iqbal Shaikh i/by Mr Ganesh Pawar for the applicant.

Mr Amit Palkar, APP for Respondent/State.

Mr Maroof Khan for respondent No.2.

PI Sachin More, CSMT Railway Police Station is present.

Coram : R.N.Laddha, J.

Date : 26 September 2024.

P.C. :

Heard Mr Iqbal Shaikh, the learned counsel appearing on behalf of the applicant; Mr Amit Palkar, the learned Additional Public Prosecutor, representing the respondent No.1/ State, and Mr Maroof Khan, the learned Counsel for respondent No.2.

2. This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.23 of 2024, registered at Chatrapati Shivaji Terminus Railway Police Station, Mumbai, for the offences punishable under Sections 420, 465, 466, 468, 471, 506 read with Section 34 of the Indian Penal Code.

3. According to the prosecution, on 20 November 2023, two employees of A1 Facility & Property Manager Pvt Ltd, reported to a company officer that they are overburdened with work due to a shortage of staff. Upon inquiry, the officer discovered that the applicant, along with the co-accused, had coerced other workers into marking the attendance of several non-existing employees using the bio-metric system; resulting in financial losses for company. Consequently an FIR was registered.

4. Mr Iqbal Shaikh, the learned counsel for the applicant submits that the alleged forged documents and the biometric records are already in the possession of the prosecution. The learned Counsel emphasises that the applicant has fully cooperated with the investigation. In compliance with the Court's directives dated 20 August 2024, the applicant has dutifully attended the police station as required.

5. Mr Amit Palkar, the learned APP fairly acknowledges that the applicant has cooperated with the investigation. The investigation has been completed and nothing remains to be recovered or

discovered from the applicant and his custody is not required. The charge sheet against co-accused has already been filed.

6. Upon perusing the records, it appears that the role of the applicant was to keep watch on the employees. The investigation is complete and nothing is to be recovered or discovered from the applicant. Moreover, the prosecution does not seek custody of the applicant and consents for granting anticipatory bail to him. In light of the above, the application stands allowed. Hence, the following order :

ORDER

(i) In the event of applicant's arrest in connection with CR No.23 of 2024, registered at Chatrapati Shivaji Terminus Railway Police Station, Mumbai, he shall be released on bail on furnishing a PR Bond of Rs.25,000/- with one or more sureties in the like amount.

(ii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses in any manner.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]