

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2435 OF 2024

Javed Abdul Shaikh

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

- Mr. Rohit P. Karhadkar, for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent.
- Mr. Shirsat, PSI, EOW, Palghar, Dist. Palghar.

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2024.09.19
10:49:30 +0530

CORAM : MANISH PITALE, J.

DATE : 18th SEPTEMBER, 2024.

P. C. :

1. Heard, Mr. Karhadkar, learned counsel for the applicant and Mr. Sonavane, learned APP for the respondent – State.
2. The applicant is apprehending arrest in connection with First Information Report No.0003 of 2024 dated 13.01.2024, registered at Police Station Tarapur, District Palghar, for offences under Sections 406, 420, 465, 467, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, 1860 (IPC), as also Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999.
3. The applicant is one of the 36 persons named as accused in the present FIR.
4. The grievance of the informant is that the accused persons,

particularly accused No.1 – Company i.e. Skyline Trading and Exports Pvt. Ltd. convinced the informant to purchase land in a particular area in which third party rights could not have been created and where construction could never be undertaken due to certain norms and rules. It is alleged that valuable consideration was paid and eventually the informant found himself to be cheated.

5. Although the learned APP has opposed the present application and in that context he relies upon the investigation papers, this Court is inclined to grant interim relief to the applicant, while keeping the application pending, for the reason that the applicant appears to be only an employee of the aforesaid company Skyline Trading and Exports Pvt. Ltd.. The thrust of the allegations appears to be against the company and its director, particularly Parvez H. Chunawala. It is pertinent to note that the said Parvez H. Chunawala has now expired.

6. It is the case of the applicant that he signs certain receipts acknowledging amounts received by the accused company Skyline Trading and Exports Pvt. Ltd., merely as an employee of the said company. It is further stated that the applicant undertook the alleged acts of showing the land in question to the informant, again as an employee of the aforesaid company, thereby indicating that he was neither involved in the alleged

conspiracy to dupe the informant nor has he personally gained in the present case.

7. Hence, there shall be interim relief in the following terms, during the pendency of the application.

- (A) Till the next date of listing, in the event the applicant is arrested in connection with FIR No.0003 of 2024 dated 13.01.2024, registered at Police Station Tarapur, District Palghar, he shall be released on bail, on furnishing PR Bond of ₹ 50,000/- and one or two sureties in the like amount, to the satisfaction of the Trial Court.
- (B) The applicant shall remain present before the Investigating Officer on 20th September, 2024 and 21st September, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.
- (C) The applicant shall cooperate with the investigation, including producing all documents in his possession, as may be demanded by the Investigating Officer.
- (D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

8. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

9. List the application for further consideration on **24th October, 2024, to be included in the “Supplementary List.”**

(MANISH PITALE, J.)