

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2642 OF 2024

Saddam Husain Anwarali Shaikh ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Kamran S. Shaikh a/w. Mr. Farukh A. Shaikh, Mr. Sanket Karankot for Applicant.

Ms. Megha S. Bajoria, APP for Respondent-State.

Mr. A. B. Shirke, PSI, Nigadi Police Station, Pimpri - Chinchwad.

CORAM : MANISH PITALE, J.
DATE : SEPTEMBER 30, 2024

P.C. :

. Heard Mr. Shaikh, learned counsel for the applicant and Ms.Bajoria, learned APP for the respondent-State.

2. The applicant has approached this Court apprehending arrest in connection with FIR No.0155 of 2022 dated 10.03.2022 registered with Nigdi Police Station, for offences under Sections 406 and 420 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The applicant is named as one of the accused persons in the FIR, which was registered more than two years and six months ago. The investigation was completed and charge-sheet was filed against the applicant under Section 299 of the Code of Criminal Procedure, 1973 (Cr.P.C.).

4. The grievance of the informant is that she was given an impression by the accused persons that a loan of Rs.1 lakh was being arranged for her. In that context, documents were obtained from her. She found that first installment was deducted from her account and thereafter

further installments were being deducted, despite the fact that the loan amount was never credited to her account. In that background, she felt cheated and approached the police station for registration of the FIR.

5. During the course of investigation, statements of witnesses, who were similarly placed like the informant, were recorded. They have specifically named the applicant herein as one of the persons involved in the aforesaid *modus operandi*. The informant has also named the applicant as one of the persons with whom she was asked to follow up with her grievance, but there was no positive response.

6. The co-accused persons were arrested and granted regular bail, while one of the co-accused persons was granted anticipatory bail.

7. This Court has perused the material on record. The role of the co-accused person, who was granted anticipatory bail, is distinguishable from the role of the applicant. This is because as against the said co-accused person, the only allegation appears to be that he was concerned with the shop from where the mobile phones were sold, while as against the applicant, not only has the informant named him but the statements of other witnesses recorded during the course of investigation show that other similarly situated persons, who were duped, have specifically stated about the active role of the applicant.

8. In such a situation, the learned APP is justified in opposing the prayer for grant of anticipatory bail. It appears that for a long period of more than two years and six months, the applicant has avoided the process of law and hence no indulgence can be shown to such an accused person.

9. The application is dismissed.

(MANISH PITALE, J.)