

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3346 OF 2024**

Mohd. Alam Mohd. Aslam Malik ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Anand Mishra a/w. Mr. Vipin S. Pandey and Mr. Amit G. Dubey for applicant.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

Mr. Chetan D. Bhosale, PSI, Vimantal (Airport) Police Station, District Pune City.

CORAM : MANISH PITALE, J.

DATE : 12th DECEMBER, 2024

P.C. :

. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0638 of 2023 dated 23.12.2023, registered at Vimantal (Airport) Police Station, District Pune City, for offences under Sections 506(2), 465, 420 and 406 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The FIR has been registered on the statement of the informant, who claims that the co-accused person had lured him into taking loan amount. The said loan amount was transferred into the account of the said co-accused person. While initially the installments of the said loan were paid by the said co-accused person, but subsequently, he stopped doing so. Hence, the entire liability was foisted on the informant.

4. The learned counsel for the applicant, at the outset, submits that another co-accused person, identically placed like the applicant

herein, was granted relief of anticipatory bail by order dated 14.11.2024 passed in Anticipatory Bail Application No.3043 of 2024. He submits that the role attributed to the applicant herein, even as per the statement of the informant, is identical to the role attributed to the said co-accused person, who was granted relief by this Court and hence, the present application may be allowed.

5. On the other hand, the learned APP submits that the informant was duped for huge amount of money, as loan of ₹ 99 lakhs was taken and almost entire amount was transferred to the co-accused person, who stopped paying installments, thereby causing financial loss to the informant. The applicant was part of the conspiracy as he was involved in the process of disbursal of the loan amount.

6. While granting relief to the said co-accused person Nidafarheen Mohammed Alam Malik, this Court, in the order dated 14.11.2024 passed in Anticipatory Bail Application No.3043 of 2024, observed as follows:

“6. This Court has perused the material on record, including the email at Page No.35 as also response thereto given by the informant, which prima facie indicates that the informant was aware about processing and disbursal of loan into his account. The applicant appears to have performed the limited role of facilitating and processing of loan amount, as she is working as a freelancer with a financial institution called Finance Buddha. There does not appear to be any material on record to indicate that the applicant, in any manner, was beneficiary of the alleged scam.”

7. This Court has perused the statement of the informant, leading to registration of FIR. It is found that reference to the applicant and the allegation levelled against him, is identical to that levelled against the co-accused person, who was granted relief by this Court.

Beyond the act of processing the papers for disbursal of loan, there does not appear to be any further overt act on the part of the applicant. Therefore, the application deserves to be allowed.

8. In view of the above, the application is allowed in the following terms:

- (i) In the event the applicant is arrested in connection with FIR No.0638 of 2023 dated 23.12.2023, registered at Vimantal (Airport) Police Station, District Pune City, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.
- (ii) The applicant shall remain present before the Investigating Officer on 16.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the trial court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(MANISH PITALE, J)