IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2390 OF 2024

Imran Isak Shaikh
Age: 36 years, Occu.: Service,
R/o. Near Golibar Tekdi,
Tq.Dhule, Dist.Dhule. ....Applicant

Versus

The State of Maharashtra
Through it's Police Inspector,
Azadnagar Police Station,
Dist.Dhule. .....Respondent

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Advocate for Applicant : Mr.N.L.Chaudhari
APP for Respondent : Mr.C.V.Bhadane

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 07 FEBRUARY, 2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no.0002 of 2024 registered at Azadnagar Police Station, Dist.Dhule for offence under Sections 409, 419, 420, 341, 120-B, 170, 171, 467, 468, 201 read with 34 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest as 31-01-2024, learned counsel for the applicant would submit that FIR is of 04-01-2024. That,

informant has reported Azadnagar Police Station that he is involved in manufacturing of some machineries and on receipt of orders from a Company based in M.I.D.C., Pune, machineries worth Rs.24,00,000/- were said to be despatched by a transport Truck on 14-10-2023. It is further reported that, driver of his Truck called informant on 17-11-2023, informing about Truck being intercepted by persons claiming themselves to be Sales Tax Officials. That, informant has conveyed that informant was made to pay amount towards penalty and said amount is said to be transferred by Google Pay. Learned counsel would submit that allegations are levelled that informant was cheated by four persons posing themselves to be Sales Tax Officials. That, in above crime, applicant is arrested on 31-01-2024 and he is behind the bars since one year. That, chargesheet is already said to be filed on 29-03-2024. That, nothing further is to be recovered or discovered from the applicant. That, only allegation against present applicant was that he was behind the wheels of the vehicle in which alleged Sales Tax Officials were present. That, he has not interacted with the informant. That, another co-accused has been set at liberty by the Hon'ble Apex Court. Therefore, on the ground of parity, he too seeks grant of bail as he is behind the bars for almost a year.

3. Learned APP opposed the application on the ground that serious offence is committed. That, informant is cheated and is made to transfer amount by persons, who allegedly came in the vehicle and posed themselves to be Sales Tax Officials. That, amount of Rs.1,30,000/- has been directed to be transferred by Online mode. That, present applicant was found to be involved in the said episode and therefore, he was arrested. Learned APP pointed out that, though co-accused has been granted bail by the Hon'ble Apex Court, she being a lady and has had children, she was granted bail and therefore, ground of parity is not available to the present applicant. For above reasons, bail is opposed.

4. After hearing both the sides and on going through the papers, it appears that FIR is at the instance of Kashmirsing Sardar Hajarsing Bajwa, who has reported Azadnagar Police Station, Dist.Dhule that he is involved in manufacturing machineries and on receipt of orders from a company in M.I.D.C., Pune, he loaded the machineries in a Truck and it was duly despatched. He has reported that on 17-11-2023, he got a phone call from Truck Driver informing that in Dhule on Mumbai – Agra Highway, Truck was intercepted by a Sumo vehicle having beacon light and Driver was told that the persons are

Sales Tax Officials. Therefore, Truck Driver was made to call to informant and thereafter, informant had conversation with one of the persons, who alleged some violation of Sales Tax and that he would be required to pay penalty to the tune of Rs.12,96,000/-. After negotiations, it is informed that, penalty amount was brought down to Rs.1,30,000/- for release of transport vehicle and therefore, informant transferred Rs.1,30,000/- online via Google Pay, after which his vehicle was allowed to proceed. Informant claims that when his Driver came back, on further talks, it was revealed that the mobile on which the amount was transferred was found to be switched off and he went and verified from GST Officers and they denied any mistake in his Bill. That time, he realized that he has been cheated by someone posing themselves to be Sales Tax Officials. On above information, he has lodged report against 3-4 unknown persons. On above report dated 04-01-2024, applicant is shown to be arrested on 31-01-2024.

5. Submission advanced by learned Advocate for applicant that present applicant was said to be a Driver of the vehicle in which those alleged Sales Tax Officials came, is not refuted by learned APP. From the FIR, talks between informant and said one of the four

persons was not shown to be with the applicant, who is Driver of Sumo vehicle. Now investigation is over. Co-accused, though a lady, has been set at liberty by the Hon'ble Apex Court by order dated 30-08-2024 in Special Leave to Appeal (Cri) No.9893 of 2024. Therefore, when nothing further is shown to be recovered or discovered from the applicant and when there is uncertainty about matter going for framing of charge and for further trial, and no plausible reason is put-forth for further continued custody, applicant succeeds. Hence, following order is passed :

ORDER

(i) Application is allowed.

(ii) Applicant Imran Isak Shaikh be released on bail in connection with Crime no.0002 of 2024 registered with Azadnagar Police Station, Dhule, on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE

SPT