

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2577 OF 2024

Mohammed Jia Ekbal Ahmad

S/o. Ekbal Ahmed

... Applicant

V/s.

The State of Maharashtra

... Respondent

None for the applicant.

Mr. Tanveer G. Khan, APP for the respondent-State.

Digitally
signed by
ATUL
GANESH
KULKARNI
Date:
2025.09.23
18:09:31
+0530

CORAM : AMIT BORKAR, J.**DATED : SEPTEMBER 23, 2025****P.C.:**

1. The present application is filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973, seeking the relief of pre-arrest protection in connection with Crime Register No. 31 of 2024 registered with Kharghar Police Station, Navi Mumbai. The offences alleged against the applicant are under Sections 420, 465, 467, 471, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. The allegations in the First Information Report disclose that the informant had dealings with three persons, including the present applicant. Out of the said transactions, the informant had allegedly paid an amount of about Rs. 3,00,000 to the applicant. It is seen from the order dated 3 October 2024 that during the course of hearing, the applicant voluntarily undertook before this Court that he would ensure repayment of Rs. 2,00,000 to the informant.

3. The record further shows that interim protection was granted to the applicant by this Court on 3 October 2024. Since then, the protection has continued without any report of misuse of liberty or breach of conditions by the applicant. This fact carries weight while considering whether such protection deserves to be confirmed.

4. In the present case, the dispute essentially relates to monetary transaction between the parties. The applicant has already undertaken to repay part of the amount to the informant. This shows bona fides on his part. The offences alleged are primarily documentary in nature, and the investigation can proceed effectively even without custodial interrogation. The Investigating Agency has not placed any material before this Court to show that the applicant has hampered investigation or influenced witnesses.

5. Considering these circumstances, it is evident that the interim protection granted earlier has worked satisfactorily and no prejudice has been caused to the prosecution. Hence, there is no justification to curtail the liberty of the applicant by denying him protection.

6. Therefore, the interim protection granted on 3 October 2024 is confirmed and shall continue during the pendency of the trial, subject to the same terms and conditions stated below.

a) In the event of arrest of the applicant in connection with C.R. No.31 of 2024 registered with Kharghar Police Station, Navi Mumbai, he shall be released on bail on

furnishing P.R. Bond in the amount of Rs.50,000/- along with one or two sureties in the like amount.

b) The applicant shall remain present before the Investigating Officer as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

c) The applicant shall abide by the undertaking voluntarily given to this Court that a further amount of Rs.2 lakh shall be paid to the first informant within the time stipulated.

d) 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.

e) In the event of violation of the aforesaid conditions by the applicant, the order passed today would be recalled.

7. However, if the amount as agreed is not paid, it shall be open for the applicant to apply for cancellation of interim protection.

8. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)