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

ANTICIPATORY BAIL APPLICATION NO. 3468 OF 2024

Mohd. Ashraf Chaudhary

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Karim Pathan a/w. Mr. Fazlurrahman Shaikh and Mr. Tabish Shaikh, Advocates for Applicant.
 - Mr. Dinesh Haldankar, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 23, 2025.

P.C.:

1. Heard Mr. Pathan, learned Advocate for Applicant and Mr. Haldankar, learned APP for Respondent – State.

2. This is an Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with C.R.No.198 of 2024 registered with Mira Road Police Station for the offences punishable under Sections 406, 420, 467, 468, 409 read with 34 of the Indian Penal Code, 1860 (for short “**IPC**”).

3. Applicant before me is arraigned as Accused No.3. There are total six Accused. The First Information Report (for short ‘**FIR**’) of the Complainant is at Exhibit “A” – page No.18 of the Anticipatory Bail Application. According to the FIR, Accused No.2 and Accused No.1

were the partners of a Company called “Silver Cook Company” invited the Complainant for a meeting in the month of May 2023 and induced him into getting involved into a partnership business of the said Company. Complainant entered into business and made substantial investments.

4. Record shows that partnership Agreement of the Complainant being made a partner was executed and subsequently cancelled. *Prima facie*, if this is the case, it can be purely a case of drawing up of the accounts and could be governed by the provisions of the Indian Partnership Act, 1932. Complaint is filed by Complainant, *inter alia*, complaining that in the meeting held in May 2023 the Applicant before me was present in the meeting and in the course of conversation with the principal Accused namely Manish Kumar i.e. Accused No.2 he was informed that all those present in the meeting on Accused No.2's side were doing the business of partnership of the said ‘Silver Cook Company’.

5. Applicant before me is a businessman and wholesaler and has his establishment at Nallasopara. He is not a partner of “Silver Cook Company”. Licences of Applicant's business are appended to the Application. The charge according to the prosecution is that Applicant received certain amounts from the principal Accused i.e. Manish Kumar. It is intriguing that the other partners namely Accused No.1

has not been arrested. Considering the aforesaid facts and documentation on record, in my opinion, custodial interrogation of Applicant is not required in the facts of the present case.

6. In that view of the matter, Applicant is granted pre-arrest bail on the following terms and conditions:-

ORDER

- (i) In the event of the arrest, the Applicant be enlarged on bail on furnishing P. R. Bond in the sum of Rs. 25,000/- with one or two sureties in the like amount;
- (ii) Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;
- (iii) Applicant shall attend the Police Station on the first Monday of every month between 10.00 a. m. and 12.00 noon until the Charge-sheet is filed and as and when called for by the Investigating Officer thereafter;
- (iv) Applicant shall inform his latest place of residence and contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police

Station;

- (v) If there is breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the Applicant's bail.

7. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

8. Anticipatory Bail Application is allowed in the aforesaid terms and is accordingly disposed of.

[MILIND N. JADHAV, J.]

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