

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK

AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application No. 182/2022

CNR No. MHNS010004922022



1. Irfan Latif Shaikh

Age : 52 yrs., Occu.: Business
R/o. Flat No.6, Anand Apartment,
Hirave Nagar, Vadala Road, Nashik.

2. Vasant Suganchaand Apurba

Age : 54 yrs., Occu.: Job
R/o : N-32, Swami Vivekanand Nagar,
Near Ambad Police Station, Nashik. ... Applicants/Accused.

V/S

The State of Maharashtra
Through : The D.G.P. Nashik. ... Respondent/State.

Appearance :

Ld. Adv. Shri. Anuj Tiwari for Applicants/Accused.
Ld. A.G.P. Shri. Ajay Misar for Respondent/State.

ORDER BELOW EXH. No.1

(Delivered on 10th February, 2022)

1. This is an application for transit anticipatory bail filed by the applicants in connection with C.R. No.09 of 2022, dated 13.01.2022 registered at Sadargunj Police Station, Lucknow (West) for an offence punishable under Sections 406 and 420 of the Indian Penal Code.

2. Read the application and the say filed by Ld. A.G.P. on the application itself. Gone through the documents placed on record.

3. Upon hearing and going through the material placed on record, what can be gathered is that, the Crime is registered at Sadargunj Police Station, Lucknow (West) against the applicants. Applicant No.1 is the sole proprietor of a Firm and applicant No.2 is the employee of applicant No.1. It seems that complainant was appointed as the agent by the applicant No.1 for marketing the products of the applicant No.1 and deposit of Rs.8,00,000/- was taken by applicant No.1. However, it seems that the relation between the applicants and the complainant about the principal and the agent did not work and the agreement came to be cancelled and an amount of Rs.1,00,000/- came to be repaid to the complainant and for the remaining amount, it seems that the dispute arose, which culminated into filing of the complaint against the applicants.

4. From the documents on record, it reflects that the applicants approached the Hon'ble Bombay High Court with the same relief. It seems that the applicants had withdrawn the said application and the withdrawal was allowed by His Lordship and His Lordship gave a liberty to the applicants to approach this Court for the similar relief, which was made before the Hon'ble Bombay High Court.

5. The application in hand is to be decided only on the ground as to the extreme urgency and apprehension shown by the applicants. In our case in hand, the Crime came to be registered on 13.01.2022 and the applicants came to know about the said fact on 20.01.2022. Thereafter, it seems that they have preferred an

application before the Hon'ble Bombay High Court and thereafter they have come before this Court. It is not the case of the applicants that the Police of Lucknow have come to the Police Station where the applicants reside and there is an immediately apprehension of their arrest. It is their case that, if they alight at Lucknow, they might be arrested and for that purpose four (04) weeks transit bail is sought. Ld. A.G.P. objected by arguing that the apprehension is not extreme and therefore prayed to turn down the application. However, this Court finds that considering the facts and circumstances of this case, though there is no extreme urgency but, an apprehension is there, therefore this Court finds that by giving a transit bail of one (01) week, the purpose will be served. In the result, the following order.

ORDER

1. Criminal Bail Application No.182/2022 is allowed as follows :-
 - (i) Applicant No.1 Irfan Latif Shaikh and Applicant No.2 Vasant Suganchaand Apurba are granted transit anticipatory bail of one (01) week i.e. till 17.02.2022 to appear before the Sessions Court, Lucknow and file the application for anticipatory bail over there.
 - (ii) In the event of arrest during the above one (01) week period, Sadargunj Police Station, Lucknow (West) to enlarge the applicants on bail on their executing a personal bond of Rs.15,000/- each with solvent surety in like amount to the satisfaction of the I.O. of Sadargunj Police Station
 - (iii) Applicants to inform this order to the Sadargunj Police Station, Lucknow (West) by all available means.
2. In the above terms, Criminal Bail Application No.182/2022 stands disposed off.

Place : Nashik.
Date : 10.02.2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.