



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2313 OF 2022
ALONGWITH
INTERIM APPLICATION NO.2951 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.2313 OF 2022**

Nayab Sallauddin Sheikh] .. Applicant
vs.
State of Maharashtra] .. Respondent

Ms. Sana Khan for the Applicant.

Mr.S.V. Gavand, APP for the State.

Mr.Devendra Avhad, Umesh Iyer, Ruchika Indalkar, Jitendra Jagtap for Intervenor.

PI Sandip Vishwasrao, Santacruz Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 21st SEPTEMBER, 2022.

P.C.

- 1] Heard learned counsel for the parties.
- 2] The is apprehending is arrest in CR No.83/2022 registered with Santacruz Police Station which invoke offence under Section 406, 420 465, 467, 468, 471, 120B read with 34 of the Indian Penal Code.
- 3] The complainant is one Sahhed Shahin Akhtar Chishti, a British national who lodged complaint with the concerned Police Station

alleging that he came to India with an object of investing an amount of 2000 crores. In the longish FIR, he has detailed out the skill that was projected to him by accused No.1 Mahalka Shaikh and Mehratika Mogal and pursuant to which he has transferred various amounts into distinct accounts belonging to the said accused persons.

4] It can be seen that accused Nos.1 to 6 belong to the same family and distinct roles are attributed to each of the member of the family with an accusation that he has been duped to the tune of Rs.6,30,09,411/- and therefore offence came to be registered.

5] On hearing learned counsel for the Applicant, when role of the present applicant is sought to be ascertained from the complaint, it can be seen that since he is son of the sister of Mahalaka Shaikh it is alleged by the complainant that for the purpose of purchasing splash oil for his friend in Poland, the complainant had handed over cash of Rs.20 Lakh to her. But she did not deliver the oil nor did she return the money.

There are no further details given as to whether the amount was paid.

6] Another accusation is that in August 2021 he had handed over 7 laptops worth Rs.6,50,000/- to the Applicant for operating from home, but they are not returned.

It is not clear as to why seven laptops were required by one person for operating from home. In any case, the learned APP and learned counsel for the complainant concede to the fact that this is the only accusation against the present applicant.

7] In the wake of above, custodial interrogation of the applicant is not necessary as it appears that he is arraigned as accused only because he is one of the family member against whom serious allegations have levelled for misappropriating amount to the tune of Rs.6 Crores and more. The Applicant deserve protection.

ORDER

- (a) Application is allowed.
- (b) In the event of arrest in connection with C.R.No.83/2022 registered with Santacruz Police Station, the applicant Nayab Sallauddin Sheikh shall be released on bail on furnishing P.R. bond to the extent of Rs.50,000/- with one or two sureties of the like amount.
- (c) The applicant shall report to the concerned police station on 28.09.2022 and 30.09.2022 at 1.00 p.m. and thereafter as and when called for.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (e) Interim Application is also disposed off.

[BHARATI DANGRE, J]