

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2243 OF 2015

Nazir Siddique Mohiddin	... Applicant
v/s	
The Sr. Inspector of Police and another	... Respondents

Mr Rizwan Merchant with Mr Swapnil Wagh i/b M/s Rizwan Merchant and Associates for Applicant.
Mr S.S. Pednekar, APP for State.

CORAM: SMT ANUJA PRABHUDESAI J.

DATE : 19TH NOVEMBER 2015

P.C. :-

1. This is a Bail Application filed by the original Accused No.4 in R.C.C. No.274 of 2015 pending on the file of the JMFC, Pandharpur for the offence under sections 420, 465, 468, 471 r/w 34 of IPC.

2. The case of the prosecution is that the Applicant alongwith the other accused in the said crime had represented to the

complainant that they would procure a job for him in Mantralaya and on the basis of the said false assurance they had taken from him a sum of Rs.2,00,000/-. The accused had also given to him an appointment letter and identity card. Subsequently, it was learnt that the documents were forged and fabricated and that several other persons were cheated with similar assurance and promise. A complaint was lodged by the complainant – Ganesh Hanumant Yalmar based on which the aforesaid crime came to be registered. During the course of investigation, it was revealed that the applicant herein and the Accused No.1 – Krishna Lihine had opened a joint bank account in Canara Bank, Mumbai. In view of the said fact, the present Applicant came to be arrested in the said crime.

3. Perusal of the complaint as well as the record prima facie reveal that the complainant and the other persons who are allegedly cheated have not attributed any overt-act to the Applicant herein. The only allegation against the present applicant is that he had opened a joint account alongwith the Accused No.1. The said joint account was opened about two months prior to the date of the

incident. There is no dispute that the applicant herein has already handed over a sum of Rs.50,000/- from the said account to the Police and the said amount is seized by the Police under a Panchanama. Considering this aspect and also the fact that the Applicant is only charged for offence punishable under section 420 r/w 34 of IPC and further considering that the Applicant is in custody from 12th July 2015, in my considered view, the presence of the applicant is no longer required in the custody. The Applicant has roots in the society and there is no chance of the Applicant absconding fleeing from justice.

4. Under the circumstances, the Application is allowed. The Applicant be released on bail on bail bonds of Rs.50,000/- and cash surety of Rs.50,000/- and in addition a solvent surety in the like amount after a period of four weeks to the satisfaction of the JMFC, Pandharpur. The Applicant shall not interfere with the witnesses and shall not tamper with the evidence in any manner. The Applicant shall remain present before the JMFC, Pandharpur as and when required.

Parties to act on the copy of this order duly authenticated
by the Sheristedar of this Court.

(SMT ANUJA PRABHUDESAI J.)