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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1479 OF 2016

Kunhi Moideen Kutty

..Applicant.

Vs.

The State of Maharashtra

..Respondent

Mr. Anand Mishra i/b A.M. Saraogi for Applicant.

Mr. Deepak Thakare, APP for State.

CORAM: A.S. GADKARI, J.

DATE : 25th August 2016.

P.C.

1 This is an application for bail under Section 439 of Cr. P.C.

The applicant is accused in CR No.33 of 2016 registered with Chunabhatti Police Station, Mumbai under Sections 420, 465, 467, 468, 471 read with 34 of Indian Penal Code.

2 The first information report is lodged by Vijay Jathare. In the said report, it is stated that the absconding co-accused Ashraf and his son Altaf sold the immovable property in question for Rs.40 lacs to the complainant and executed sale deed to that effect. When the complainant along with his family members went to take possession of the said

immovable property mentioned in the first information report on 28.1.2016, they found that the said property was already sold to the present applicant. The complainant has further stated that the applicant and absconding accused Ashraf both hail from same village from the State of Kerala and they are also close relatives. In the premise, the first information report is lodged. After completion of investigation, police have filed chargesheet.

3 Heard the learned counsel for the applicant and the learned APP for the State. I have also perused the chargehseet annexed to the present application.

4 It is to be noted here that except the allegations made in the first information report that the absconding accused Ashraf has sold the property in question to the present applicant though it was already sold to the complainant by an alleged sale deed, there is no other prima facie evidence on record to connect the present applicant in the crime. The Investigating Agency till date has not arrested the principal accused namely Asraf. In view of the above, I am inclined to release the applicant on bail.

5 Hence, the following Order:

(i) The applicant be released on bail in CR No.33 of 2016 registered with Chunabhatti Police Station, Mumbai on his

furnishing PR bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

(ii) After his release from the jail, the applicant shall attend the Chunabhatti Police Station once in month i.e. on every 1st Monday of the said month between 11.00 a.m. to 5.00 p.m.

(iii) The applicant shall also attend all dates before the Trial Court.

(iv) Application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)