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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2283 OF 2015

Mukhtar Ahmed Mahabtulla Khan .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. Anil Kamble, Advocate for the Applicant.
Smt.P. P. Shinde, APP for State.

CORAM : A.S.GADKARI, J.
DATED : 11th FEBRUARY, 2016

P.C.

. The applicant is the accused in C.R. No. 329 of 2014 registered with the Malwani police station, Mumbai under Sections 420, 465, 467, 468, 471, 170, 120(B) of Indian Penal Code read with Sections 3 and 4 of MPID Act. The co-accused namely Pramod Kedarnath Singhania, Irfan Nisar Ahmed Shaikh, Abdul Hasib Khan, Safaraz Rizvi are released on bail by this Court by its order dated 05/10/2015 on their furnishing undertakings that after their release, they will deposit their part of alleged defalcated amount in the Registry of the trial Court i.e. before MPID Court.

2. The learned APP, on instructions, submitted that the liability of the present applicant in the present crime is Rs.2,69,200/- as has been revealed during the course of investigation. The learned Counsel for the applicant had submitted in this Court the

undertaking/affidavit of the applicant dated 18/01/2016 affirmed before the Superintendent of Mumbai Central Prison, Mumbai. The applicant has given an undertaking that out of the said amount of Rs.2,69,200/-, he will deposit an amount of Rs.1,00,000/- before his release from the jail. He has further given undertaking that he will deposit the remaining amount of Rs.1,69,200/- within a period of one month from the date of his release from the jail. The said undertaking is taken on record and marked 'X' for identification. The learned APP, on instructions, submitted that the amount set out in the undertaking filed by the applicant is the liability alleged against the applicant.

3. In view of the undertaking given by the applicant, without going into the merits of the present case, the applicant be enlarged on bail on following terms and conditions.

- i) The applicant is released on provisional cash bail in the sum of Rs.25,000/- for a period of 4 weeks. The applicant shall thereafter furnish P.R. bond of Rs.25,000/- with one or two solvent local sureties in the like amount within a period of 4 weeks of his release on provisional cash bail.
- ii) The applicant shall attend the concerned police station on every 1st Monday of the month between 10.00 a.m. to 12.00 noon till the conclusion of the trial.
- iii) The applicant shall not tamper with the evidence and or influence the prosecution witnesses.

- iv) The applicant shall deposit the amount stated in the affidavit in the Registry of the MPID Special Court, Mumbai within the stipulated period.
- v) It is made clear that even on a single breach to deposit the said amount so stated in the undertaking will entail cancellation of the applicant's bail.
- vi) The applicant shall not leave the country without prior permission of the trial Court.

4. The application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)