

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2406 OF 2015

Amir Manzur Khan vs. State of Maharashtra.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Vijay Pandey with Nishant Upadhyay for the Applicant.
Smt. P.P.Shinde, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 6th January, 2016

P.C.

The applicant is seeking bail in CR No.329 of 2014 registered with Malvani Police Station, Mumbai dated 27.7.2015 under Section 420,465,466,467,468,471,170,120B read with 34 of the I.P.C. and Section 3 and 4 of the MPID Act.

It is the prosecution case that the applicant in connivance with other accused persons represented that they were authorized persons of MHADA and the Flats of MHADA will be available on payment. In view of the representation made by the applicant and other accused persons, about 28

persons invested and /or handed over the amount to the representative of Amir Imran Academy situated at Malvani, Malad (W). In the premise, the complainant Krishana Ramchandra Mulik lodged the FIR.

2) Learned counsel for the applicant submitted that as a matter of fact the applicant himself is victim and his name appears at Sr. No.26 of the first information report. Learned APP on the other hand pointed out that the applicant has received the benefits to the tune of Rs.24.00 lacs and the said fact has been revealed in the course of investigation. Learned counsel for the applicant has filed an affidavit cum undertaking of the applicant dated 21.12.2015. In the said affidavit, it is stated that the applicant has already deposited a sum of Rs.3.00 lacs with the registry of the Sessions Court, Mumbai on 19.10.2015. He has further given undertaking to deposit the balance sum of Rs.21.00 lacs within a period of 4-months from the date of his release from the Jail. The said undertakings are accepted as undertakings given to this court. The learned APP, on instructions, submits that the Investigating officer has verified the said fact of deposit of Rs.3.00 lacs with the registry of the Sessions Court, Mumbai. The record further discloses that co-accused in the said crime

had also submitted an undertaking to this court for deposit of the amount which has come to their share and this court by its order dated 5.12.2015 was pleased to release the said co accused on bail.

In view of the undertaking given by the applicant and without going into the merits of the case, the applicant is enlarged on bail on the following terms and conditions. Hence, the order.

ORDER

- a) The applicant shall be released on bail in CR No.329 of 2014 registered with Malvani Police Station, Mumbai on his furnishing PR bond of Rs.25,000/-with one or two solvent sureties in the like amount.
- b) The applicant shall be released on provisional cash bail in the sum of Rs.50,000/- for a period of 4 months from today. The applicant shall thereafter furnish PR bond of Rs.25,000/- with one or two solvent sureties in the like amount within a period of 4-weeks of his release on provisional cash bail.
- c) After release from Jail, the applicant shall attend the trial court on every first Monday of the month between 11.00a.m. to 1.00p.m. till the conclusion of the trial.
- d) The applicant shall not tamper the evidence and/or influence the prosecution witnesses.

- e) The applicant shall deposit his pass port if any with the Trial court.
- f) It is made clear that if the applicant fails to honour the undertaking given to this court by affidavit dated 21.12.2015, the complainant and/or State is at liberty to seek cancellation of bail of the applicant on that count alone.
- g) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)