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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL BAIL APPLICATION NO.683 OF 2017

Danish Ibban Khan	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.Umar Kazi, for the Applicant.

Mr.V.V.Gangurde, A.P.P for the Respondent-State

PC/1924 – Bhange, Mahatma Phule Chowk Police Station, Kalyan, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 14th AUGUST, 2017

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the Applicant seeks his enlargement on bail in connection with C.R.No.I-842 of 2014 registered with the Mahatma Phule Chowk Police Station, Kalyan, District-Thane, for the alleged offences punishable under Sections 420, 406, 467, 468, 471 r/w 34 of the Indian Penal Code.
3. Learned Counsel for the applicant submits that almost all the

accused have been enlarged on bail. He submitted that the only allegation as against the applicant is that the main accused – Vijay Chavan transferred an amount of Rs.8,30,000/- to the applicant's account. He submitted that admittedly the applicant has not been named in the FIR and that there is nothing to show that the applicant was involved in the fabrication of documents.

4. Learned APP opposed the application. He does not dispute the fact, that all other co-accused have been enlarged on bail. He submitted that the Accounts' Statement shows that an amount of Rs.8,30,000/- was transferred by Vijay Chavan (original accused No.1) to the applicant's account.

5. Perused the papers. According to the complainant-Rahul Shewale, he and his friend had approached the office of Pandu Builders and Developers. He has alleged that the proprietor of the said Pandu Builders and Developers was one Vijay Chavan. He has stated that he had gone to the said office of Pandu Builders and Developers, as he had read an advertisement in the newspaper, that they were constructing low cost

budget rooms at Newali Naka, Taluka – Ambarnath. He has stated that on enquiry, Vijay Chavan and others told him that the construction work is in progress and showed some documents. According to the complainant, he and his friend agreed to purchase a room and paid a sum of Rs.95,000/- and Rs.30,000/- by cheque to the Builders. He has stated that on 3rd July, 2014, the proprietor of Pandu Builders and Developers also made a sale deed in respect of the room, pursuant to which, a further amount was paid. He has stated that thereafter, the Builders failed to hand over the possession of the room. It appears, that initially offences under Sections 420, 406 of Indian Penal Code were registered, as against the accused and that thereafter, Sections 467, 468 and 471 of Indian Penal Code came to be added. It appears, that the land in question, was government land and that the documents pertaining thereto, were forged by the accused. Admittedly, the applicant has not been named in the FIR. There are no statements of witnesses, to show that any one of them, had dealt with the applicant directly. The only allegation, as against the applicant is, that Vijay Chavan (original accused No.1) had transferred an amount of Rs.8,30,000/- to the applicant's account. It is not in dispute, that all the other co-accused have been enlarged on bail, including Vijay Chavan (original accused No.1).

Investigation is complete and charge-sheet is filed.

6. Considering the aforesaid, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount;
- ii) The Applicant shall attend the concerned Police Station, on the first Monday of every month, between 10:00 a.m. to 11:00 a.m., till the conclusion of the trial;
- iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing;
- iv) The Applicant shall not contact the complainant, witnesses or any person concerned with the case;

- v) The Applicant shall co-operate in the conduct of the trial.
- 7. The Application is allowed and disposed of in above terms.
- 8. It is made clear, that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
- 9. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)