

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2085 OF 2017

Mohd.Issa Mohd.Vasim Shaikh and anr. ...Applicants
Versus
The State of Maharashtra ...Respondent

Mr. Sheikh Mohammed Imran for the applicant.
Ms. Anamika Malhotra, APP for the State
P.I.Shridhankar Crime Branch Unit 7

CORAM: A.M. BADAR, J.

DATED: 29th NOVEMBER, 2017

PC:-

1. The applicants who are arraigned as accused No.11 and 12 in the crime No. 83 of 2017 registered with police Station Pant Nagar for the offences punishable under Sections 420, 465, 467, 471 r/w 34 of the Indian Penal Code at the instance of Mustafa Shaikh by this application are seeking pre arrest bail.

2. Heard the learned advocate appearing for the applicants/accused. He argued that one Dilip Bhosle is a police officer. He is accused No.2 in the crime in question.

The learned advocate further argued that on instructions of accused Dilip both these applicants have accompanied him as a panch witnesses and have gone to various places. They were called through instrumentality of their friend Shahid and they were assuming that they were helping the police in the official work. It is further argued that both the applicants have duly attended the police station and assisted the I.O in investigation of the crime. Therefore, their custodial interrogation not warranted.

3. The learned APP opposed the application by relying on statement of witnesses and argued that both the applicants have played active role in the conspiracy to cheat persons who are in need of houses. The learned APP argued that both these persons acted as officers of the Mumbai Municipal Corporation and pretended to be conducted verification of the persons, who are cheated by accused persons.

4. I have carefully considered the rival submissions and also perused the case diary including the FIR lodged by Mustafa Shaikh. It is the case of the prosecution that Mustufa became acquainted with main accused Sunita as well as Dilip in the year 2013. They assured him of allotment of the apartment from the Chief Ministers Quota. Accused persons then contacted various needy persons through main accused Sunita and by assuring them allotment of apartment through CM quota or through M.H.A.D.A, extracted handsome amount from each of them. It is the case of the prosecution that several peoples are cheated on the pretext to provide houses to them through CM quota or through M.H.A.D.A and the amount is running to the tune of Rs. 79 lakhs.

5. Sofar as present applicants are concerned, papers of investigation reveals that co-accused had taken the victims of the crime to the office of the M.H.A.D.A and assured them that the apartments are allotted to them and their verification is necessary. Statement of Mehaboobi as well as Bhanumati

prima facie reveals that both these applicants have posed themselves as officers of the Mumbai Municipal Corporation and inquired the victims of the crime in question their names, addresses, etc and had pretended to take notices of such information in the official forms.

6. Papers of investigation reveals that there was a racket which indulged in cheating several needy persons by assuring for allotment of houses at cheaper rates through government agencies and in this process they have extracted huge amount from the victims. Both the applicants appears to be the part of the racket and they are posing themselves as officials entrusted with the duty of verification of credentials of the needy persons. In this view of the matter, considering the nature of offence and the fact that it is affecting societal interest, no case for grant of bail is made out. Therefore, the application is rejected.

(A.M. BADAR, J)