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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.842 OF 2018

Nazar Qureshi ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

None for the applicant.

Mr.P.P.Shinde, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : JUNE 26, 2018

P.C.:-

The Apex Court in the matter of *Hussain and Another V/s. Union of India*¹ has issued directions regarding decision on the bail applications in para 29.2, which reads as under :-

“ The High Courts are requested to ensure that bail applications filed before them are decided as far as possible within one month and criminal appeals where accused are in custody for more than five years are concluded at the earliest.”

¹ (2017) 5 Supreme Court Cases 702

2. None for the applicant even on second call. Yesterday also when the matter was called out twice, none remained present for the applicant. This is the second application for grant of pre-arrest bail.

3. In view thereof, the matter is heard and disposed of upon appreciating the facts, documents available on record and with the assistance of learned A.P.P.

4. In Crime No.396/2016 registered with Vakola Police Station, Bandra (East), Mumbai on August 22, 2016 for offences punishable under section 420, 406 read with 34 of the Indian Penal Code, the applicant is an accused pursuant to the complaint lodged by Mohsin Shaikh.

5. It is the case of the prosecution that the present applicant had promised very higher returns to the investors / complainant and lured them to hand over cash / cheques to him. The applicant-accused never honoured the cheques issued to the investors.

6. The statements of witnesses namely, Shahnawaz,

Wasim, Anwar and Ayub speak of the applicant-accused accepting amounts in lakhs from these persons with a promise of high returns and not honouring the cheques issued as security.

7. The investigation carried out depicts that the applicant is directly involved in the crime in question and has cheated number of persons by accepting huge amounts. This Court had already rejected the previous bail application and there are no new circumstances brought before this Court to reconsider the same. The nature of offence in which applicant is *prima facie* shown to have been involved has large scale financial implication over the life of investors and society.

8. In the aforesaid background, in my opinion, no case for grant of pre-arrest bail is made out. The application fails and hence rejected.

(NITIN W.SAMBRE, J.)