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

CRIMINAL BAIL APPLICATION NO.2236 OF 2019

Ismail Azad Chougule	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr.B.K.Manghani, for the Applicant.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

HC/1360 – S.K.Nair, Mumbra Police Station, Thane.

CORAM : REVATI MOHITE DERE, J.

DATE : 7th AUGUST, 2019

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-286 of 2004, registered with the Mumbra Police Station, Thane, (R.C.C No.1117 of 2004), for the alleged offences punishable under Sections 406, 420 and 506 of the Indian Penal Code.
3. Perused the papers. The applicant is facing trial for the aforesaid offences. The FIR was lodged in 2004 and the applicant was

arrested pursuant to the registration of the FIR. Thereafter, the applicant was granted bail sometime in 2004. The allegations as against the applicant are that he cheated the complainant by selling two flats purchased by the complainant to some other person. It appears that apart from the complainant the applicant has cheated some other persons. It appears that as the applicant failed to remain present on two consecutive dates, an NBW was issued and the applicant was arrested. The trial Court rejected the application of the applicant seeking his enlargement on bail, pursuant to his arrest. The order rejecting the applicant's bail was confirmed by the learned Additional Sessions Judge, Thane, vide order dated 29th July, 2019. It appears that two witnesses have been examined till date.

4. Learned Counsel for the applicant has tendered an affidavit of the applicant. The same is taken on record and marked 'X' for identification. In the said an affidavit, the applicant has undertaken to attend the Court of the learned J.M.F.C. Thane, on all the dates. The applicant has also undertaken that he will not seek any adjournments and will co-operate in the conduct of the trial.

5. Having regard to the affidavit given by the applicant to this Court, the application is allowed and the applicant is enlarged on bail on the following terms and conditions:-

ORDER

- i) The Applicant be released on cash bail in the sum of Rs.50,000/-, for a period of six weeks;
- ii) The Applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- iii) The Applicant shall co-operate in the conduct of the trial and shall attend the trial Court on every date of hearing, unless exempted by the trial Court;
- iv) The Applicant will not seek any adjournments, except in exceptional circumstances;
- v) 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;

vi) An undertaking to the aforesaid clauses (iii) to (v), shall be filed by the Applicant, in the Registry of the trial Court, within two weeks of his release;

vii) If there is breach of the affidavit or breach of any of the conditions as stated above, the prosecution will be at liberty to apply for cancellation of Applicant's bail.

6. The Application is allowed and disposed of in above terms.

7. 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.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.