

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3103 OF 2019

Israr Ali Faiyyaz Ali Siddiqui

Applicant

versus

The State of Maharashtra

Respondent

Mr.Kuldeep S. Patil with Mr.Vivek Gore for applicant.

Mr.H.J.Dedhia, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 2nd December 2019

PC :

1. This is an application for bail. The applicant is seeking bail in connection with CR No.457 of 2019 registered with Malvani Police Station, Mumbai for offences under Sections 420, 465, 467, 468, 471, 506(2) r/w 34 of Indian Penal Code. The applicant is arrested on 4th June 2019.

2. The prosecution case is that the complainant was in search of shop premises. He came into contact with co-accused. Two shops were shown by the accused to the complainant. He agreed to purchase them. Subsequently the co-accused had introduced present applicant to the complainant. The complainant agreed to purchase the shop and paid Rs.8 lakh to the co-accused towards value of the said shop. The complainant demanded possession of the premises. However, the accused gave evasive answers. The complainant learnt that shops were owned by some other person and realizing that he has been cheated by the accused. Investigation is completed and charge sheet is filed.

3. Learned advocate for applicant submits that the applicant is in custody from June-2019. The offences are triable by the Court of Magistrate. There is no evidence to show the involvement of applicant in the crime. The amount was paid to other accused. The FIR only refers to the fact that applicant was introduced to the complainant by the co-accused. The charge sheet does not mention any other role to the applicant.

4. Learned APP submitted that the applicant and co-accused are involved in similar acts. The false promise was made to the complainant about availability of shop premises and he was induced to make payment of Rs.8 lakh. The applicant has criminal antecedents and there are four cases registered against him. The cases were registered vide CR Nos.50/2013, 400/2013, 353/2017 and 527/2018. Learned APP submitted that two cases out of above cases involve offenses u/s 353 of IPC.

5. The FIR mentions that the complainant was induced to part with Rs.8 lakh on account of sale of shop premises. The applicant is not involved in making any representations to the complainant. It is not the case of prosecution that the applicant was instrumental in preparing any false documents. The complaint, however, mentions that the applicant was introduced to the complainant by co-accused and therefore it is inferred that all the accused are acting in connivance with each other. The applicant is in custody since last six months. Investigation is completed and charge sheet is filed.

6. Considering the antecedents of applicant, he should be put to

terms and conditions while granting bail. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3103 of 2019 is allowed and disposed of;
- (ii) The applicant is directed to be released in connection with CR No.457 of 2019 registered with Malvani Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Malvani Police Station one in a month on every first Saturday between 10 am and 12 noon till further orders;
- (iv) The applicant shall attend Trial Court proceedings regularly unless exempted for some reason by Trial Court;
- (v) The applicant shall not tamper with evidence.

(PRAKASH D. NAIK, J.)

MST