

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 713 OF 2021

MUMTAZ ALAM ANWRALI
SHAIKH

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

....RESPONDENT

Mr. Nadeem Shaikh advocate for the Applicant
Mr. A. R. Kapadnis APP for the State
Mr. Shekhar Bagde, Sr. PI, EOW Thane

CORAM : NITIN W. SAMBRE, J.

DATE: 21st OCTOBER, 2021.

P.C.:

1] Applicant is arrested on 24/12/2019 and is charge-sheeted in C.R. No. 289/2019 registered with Kapurbawadi police station for for offences punishable under Sections 420, 406, 409 r/w 34 of the Indian Penal Code.

2] It is claimed that the role attributed to the applicant in the crime is of accepting the deposits thereby passing on receipts and

promoting the scheme.

3] After the applicant was charge-sheeted, co-accused Nida Ayyub Hussain is already released on bail by this Court in Bail Application No. 1641/2021 vide order dated 28/07/2021. Para 9 of the said order is worth referring to:

“9. At this stage, there is some definite material against the present applicant that she had explained the scheme to the investors and had also signed the documents. Significantly, she had opened another branch at Kharghar, for which, a different C.R. No. 365 of 2019 under the same sections was registered, in which, she was arrested and released on bail. The said allegations are concerning the same company. Therefore, allegations in the present case are overlapping. The most important feature in this case is that, in spite of arrest and custodial interrogation of applicant in this case, which was incidentally second arrest on the similar allegations, the investigating agency has not found any property which the applicant could have derived from the misappropriated amount.”

4] Considering the fact that applicant was working as an employee and other similarly placed accused who has not only played similar

role of accepting the deposit, passing on receipts but has even opened and operated a separate branch is already ordered to be released. In that view of the matter, application stands allowed.

(i) Applicant be released on bail in C.R. No. 289/2019 registered with Kapurbawadi police station for for offences punishable under Sections 420, 406, 409 r/w 34 of the Indian Penal Code upon furnishing P.R. bond in the sum of Rs. 15,000/- with one or two/more sureties in the like amount.

(ii) Applicant shall neither influence witnesses in any manner nor tamper with evidence.

5] Application stands disposed of.

[NITIN W. SAMBRE, J.]