

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.760 OF 2020
WITH
INTERIM APPLICATION (STAMP) NO.4522 OF 2020

Naeem @ Naeemodaula Shaikh	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Siddhesh R. Samel for applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th January 2021

PC :

1. This is an application for bail in CR No.143 of 2019 registered with Manpada Police Station for offences punishable under Sections 420, 465, 468, 471 r/w 34 of Indian Penal code. The applicant was arrested on 11th May 2019.

2. The prosecution case is that on receipt of reliable information that Indian Institute of Engineering and Management, Nagpur which is not an approved educational institute, issued false and fabricated certificates to the students of Mechanical Engineering, B.Tech., MBA etc. Applicant was allegedly Director of said institute. The manager and other persons were arrested during the course of investigation. On completing investigation charge sheet is filed.

3. Learned advocate for the applicant submitted that he is in custody for one year and eight months. There are no criminal antecedents against applicants. Although it is the prosecution case that huge amounts were collected as fees from the students who had

enrolled themselves for admission, only seventeen victims had come forward whose statements were recorded during investigation. The quantum of defalcated amount arrived at by the prosecution is based on the data in the computers. The amount of Rs.37 lakh into bank account of the applicant, has been freezed during investigation. No other amount was found either in possession or bank account of applicant. The co-accused Pallavi Chavan who was allegedly Manager of the institute and who had received Rs.23,55,910/- has been granted bail by the Sessions Court. Other accused Mohammed Azhar Mohammed Ismail Ansari who was allegedly the team leader, is also granted bail by Sessions Court. Other co-accused Barkha Barevar, Rashmi Suryavanshi and Jyoti Hiwasi who were the employees of the institute, were arrested and granted regular bail. Learned counsel for applicant submits that applicant would not apply for de-freezing or return of the amount freezed, during the course of investigation till conclusion of trial.

4. Learned APP submitted that huge amount was collected by the applicant. The institute had no approval of Government. Several students had enrolled themselves for various courses. The applicant is Director of the institute. He has no instructions whether any other cases were registered against the applicant in other State.

5. All the other accused have been granted bail. The applicant is in custody for a period of about nineteen months. According to applicant, there are no criminal antecedents against him. The manager in whose account Rs.23 lakh was found, has been granted bail by Sessions Court. There is no progress in trial. It is not clear as to how much time would be required to conclude the trial. The

applicant has undertaken that he would not make application for de-freezing the amount of Rs.37 lakh found in his account, till conclusion of trial. The applicant has permanent place of residence. The advocate for applicant has pointed out the registered document in respect to the residential premises of applicant. The applicant was granted temporary bail on the health ground of his son for one month vide order dated 12th June 2020 passed by this Court in Bail Application No.760 of 2020. Apparently the applicant has not misused the facility of temporary bail and according to him he has surrendered within time. Considering the circumstances, bail can be granted to the applicant. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.760 of 2020 is allowed and disposed of;
- (ii) The applicant is directed to be released on bail in connection with CR No. 143 of 2019 registered with Manpada Police Station, on executing PR bond in the sum of Rs.30,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Crime Branch, Unit-I, Thane once in three months on first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant shall provide details of his residential address and telephone number to the Investigating Officer.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)