

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

CRIMINAL BAIL APPLICATION NO. 1170 OF 2020

Mohd. Nasim Mohd. Kabuddin

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. A. S. Khan a/w. Mr. Manish Bohra, Advocate for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 9th APRIL, 2021.

PC :

1. This is an application for bail in connection with C.R. No. 21 of 2019, registered with Dindoshi Police Station for the offences punishable under Sections 420, 406, 468 r/w. 34 of IPC.

2. The applicant was arrested on 27th January, 2019. The case of the prosecution is that the complainant was introduced to a party from Assam for delivering goods. However the payment was not made and the accused to whom the goods were delivered had disappeared. The FIR was registered. The contentions of the applicant is that he is in custody since last two and half years. He is not the beneficiary of the transaction. He acted as a broker. Goods were delivered to co-accused.

3. Learned APP submits that the applicant is having criminal antecedents. The applicant does not have permanent place of residence. It is submitted that the applicant had furnished the address of Uttar Pradesh. The passport was containing the address of Bihar and the Aadhar card produced by the applicant, was having address of Bainganwadi, Shivaji Nagar, Govandi, Mumbai.

4. Learned counsel however contended that the applicant was residing in the said premises on Leave and license basis and in the event, bail is granted to the applicant, he would continue to stay at the aforesaid premises at Shivaji Nagar, Govandi, Mumbai. The applicant is willing to give local surety. Bail may be granted to him.

5. The goods were delivered to the co-accused who is not arrested. The applicant is in custody since last two and half years, charge-sheet is filed against him. It appears that, further investigation is in progress, since the co-accused is absconding. Further custody of applicant is not necessary.

6. Hence, I pass the following order.

ORDER

- i) Bail Application No.1170 of 2020, is allowed;
- ii) The applicant is directed to be released on bail in

connection with C.R. No. 21 of 2019, registered with Dindoshi Police Station on furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or more local sureties in the like amount;

- iii) The applicant shall report concerned police station once in a month, on first Saturday of the month between 11.00 am. To 1.00 p.m. for a period of Six months and thereafter once in three months on first Saturday of the month between 11.00 a.m. to 1.00 p.m. till further order;
- iv) The applicant is permitted to furnish provisional Cash Bail Security in the sum of Rs.25,000/- for a period of eight weeks in lieu of surety;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J)