

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

ANTICIPATORY BAIL APPLICATION NO.1810 OF 2021

Mohammad Sajjad Hussain Applicant

versus

State of Maharashtra Respondent

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- Mr.Bhushan Raut, Advocate for Applicant.
- Smt.Veera Shinde, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 22nd SEPTEMBER, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.393/2021 registered with Kondhwa Police Station, under sections 120-B, 379, 420, 467, 468, 471, 447, 504, 506 r/w 34 of the Indian Penal Code.

2. The FIR is lodged by one Faim Chand Shaikh on 22/05/2021. He has stated that he wanted to purchase a house and he had told his friend Arif Naimulla Shaikh about it. He in turn introduced the informant to the present Applicant. It is

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alleged that the present Applicant introduced the informant to the main accused Ashfaq. The informant was told that Ashfaq was having 4.5 R area in Survey No.63/1A/2 at Hadapsar and wanted to sale some portion of that area. The FIR goes on to mention that the informant paid Rs.13 lakhs to Ashfaq and started making construction. However, he was obstructed several times by different people namely Ayub Khan, Manjur Shaikh etc. The main accused Ashfaq did not complete registration of their agreement. Thus the informant has mentioned that he did not get the property as promised and therefore this FIR is lodged.

3. Heard Mr.Bhushan Raut, learned counsel for the Applicant and Smt.Veera Shinde, learned APP for the State.
4. Learned counsel for the Applicant submitted that the main allegations are directed against Ayub Khan and Manjur Shaikh. The role at the highest attributed to the present Applicant is that he introduced the main accused to the informant. Beyond this, he has no role to play.

5. Learned APP submitted that Ashfaq indeed is the main accused. He was introduced to the informant by the present Applicant. Ashfaq paid Rs.37,000/- to the Applicant by way of commission.

6. I have considered these submissions. Though allegations are that the Applicant has received Rs.37,000/- from Ashfaq, there is nothing to show that the Applicant was aware that Ashfaq's title was not clear and that Ashfaq had intention to cheat the informant. Therefore his custodial interrogation is not really necessary. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.393/2021 registered with Kondhwa

Police Station, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)