

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
NAGPUR BENCH, AT NAGPUR.**

**Criminal Application (BA) No. 1347 of 2020**

[Raj Mohammad Mumtaj Choudhary ..vs.. State of Maharashtra through its PSO PS. Desaiganj,  
Dist. Gadchiroli]

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Mr. Mir Nagman Ali, Advocate for the applicant  
Mr. N. R. Rode, APP for the State/non-applicant  
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**CORAM : ROHIT B. DEO, J.**

**DATED : 20-08-2021**

The applicant, who is in custody since 1-7-2020, is seeking bail in connection with Crime 130/2019 registered with Police Station, Desaiganj for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999 [MPID Act].

2. The crime is registered on the basis of report dated 12-5-2019 lodged by Mrs. Prabha Kawale alleging that accused 1 Shabana was acquainted with the women residents of Desaiganj Town since she was in the business of beauty parlour and stitching classes. Accused 1 allegedly conveyed to the women that under

the NABARD scheme, a person depositing Rs. 1500/- with her would be given a stitching machine and/or other articles. She allegedly then represented that on payment of Rs. 7,000/-, she would arrange a motorcycle and one Tola gold and on payment of Rs. 50,000/-, she would arrange a four wheeler. A person depositing Rs. 60,000/- was promised house under the Gharkul Scheme.

3. It is alleged that accused 3 Nisar Mohammad and accused 2, who is the applicant actively participated in the crime and all the three accused shared a common intention to cheat the women folk of the Desaiganj Town. The total amount which the gullible women folk paid to the accused is allegedly Rs. 1,41,67,000/- (Rupees One Crore Forty One Lacs Sixty Seven Thousand).

4. Perusal of the material in the case diary does disclose a strong *prima facie* case to connect the applicant with the crime. However, detention cannot be a pre-trial punishment, particularly since the offence punishable under Section 420 entails maximum

punishment of seven years imprisonment. The charge is not framed as yet and 150 witnesses are cited. In response to the specific query by the Court, the learned Additional Public Prosecutor Mr. Rode states that the prosecution is in no position to assure the Court that the number of witnesses will be curtailed or that the trial can be concluded within a specific period.

5. Considering that the charge-sheet is filed, the applicant has no criminal antecedents and it is not shown that he would be in a position to influence the witnesses, I am inclined to grant bail.

6. The application is allowed subject to the following conditions.

(a) The applicant be released on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

(b) The applicant shall, within 48 Hours of the release from custody, furnish his current address and

phone numbers to the Investigating Officer and the information shall be updated, if there is any change.

(c) The applicant shall scrupulously attend each date of hearing.

(d) The applicant shall report at Police Station, Desaiganj on 15<sup>th</sup> and 30<sup>th</sup> day of every month till the conclusion of the trial.

(e) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(f) The applicant shall not leave the country without the permission of the jurisdictional Court.

**JUDGE**