

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 967 OF 2022**

Usman Ahmed Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

WITH

INTERIM APPLICATION ST NO.16742 OF 2022
IN
BAIL APPLICATION NO. 967 OF 2022

Ajay Kumar Verma .. Applicant
Versus
The State of Maharashtra & Anr .. Respondents

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Mr. Vivek Pandey for the applicant.
Mr. Mukesh Sharma for the intervenor.
Mr. S.V. Gavand, APP for the State.
API Ganesh Kekar from Navghar police station.

**CORAM: BHARATI DANGRE, J.
DATED : 3rd OCTOBER, 2022**

P.C:-

1 The applicant is charged for the offence punishable under Sections 448, 454, 465, 467, 471, 384, 409 and 511 r/w

Section 34 of the IPC and in connection with the said C.R, he came to be arrested on 13/10/2021 and seek his release on bail.

On completion of investigation, charge-sheet has been filed and it is informed that accused no.2 from whom the applicant had purchased the flat, is already released on bail by the Sessions Court.

2 The case of the prosecution which can be discerned from the charge-sheet is, the complainant was desirous of purchasing the flat and accordingly, he decided to purchase flat no.102 in "A" Wing and was told that the flat belong to Mrs.Priyamvada Umesh Patel, who had purchased it in January 2014. A Power of Attorney was executed by Mrs.Patel in favour of one Chetan Gautam Thakar. The informant paid a sum of Rs.24,35,000/- to Mrs.Patel and also borne the registration fees. The agreement was registered and at that stage, 80% of the construction of the building was completed.

When the applicant visited the flat in 2018, he noticed that one person has broken open the lock and was in possession and it was the applicant who was alleged to have purchased the flat from accused no.3. It is informed that accused no.3 is now deceased. The prosecution allege that wrongfully the applicant was put in possession of flat no.102, but the fact remains that as on date, the complainant has been handed over the said flat. He is in possession of the subject flat no.102 in "A" Wing.

3 Considering the fact that the person from whom the applicant purchased the flat is already released on bail and the investigation being complete, the charge-sheet being filed, the applicant need not face further incarceration. He shall however, take the consequences of the act when the prosecution prove the charges levelled against him.

Hence, the following order :-

ORDER

- (a) The Applicant – Usman Ahmed Khan in connection with C.R.No.3/2019 registered with Navghar Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or more sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The Applicant should not tamper with evidence.
- (c) The applicant shall attend the Investigating Officer on 1st Saturday of every trimester between 3.00 pm to 5.00 pm. The Applicant shall attend the trial on regular basis.

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

The Application is allowed in the aforesaid terms.

In view of the disposal of Bail Application, Interim Application No. 16742/2022 do not survive and is disposed off.

(SMT. BHARATI DANGRE, J.)