

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 2008 OF 2021

Sajid Noor Sayyed	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. Shailesh I. Kantharia, for the Applicant.
Mr. R. M. Pethe, APP for the Respondent / State.
PN Pravin Jaganath Patil, PN, Alibag Police Station present.

CORAM : C.V. BHADANG, J.
DATE : 30 MARCH 2022

P.C.

. By this Application, the Applicant is seeking release on bail in R.C.C. No.128/2020, arising out of Crime No.101/2020 of Police Station Alibag, District Raigad, under Section 420, 419, 417, 467, 468 and 471 of IPC.

2. The prosecution case is that during the course of the Pandemic and consequent Lock-down, the Applicant represented himself as the President of a Non Government Organisation (NGO) called *All India Rehabilitation Forum*. The Applicant in that assumed capacity had made liason with the office of the

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Tehsildar and a camp was held for distributing medicines and other articles to the patients as well as the peoples affected by the Pandemic. The Applicant got prepared banners worth Rs.10,65,950/- and obtained various other articles and medicines from the suppliers through the intervention of the Tehsildar. Ultimately, it was revealed that there is no organisation called *All India Rehabilitation Forum* nor Applicant is the President of any such NGO.

3. The offence came to be registered on the basis of the complaint dated 11 September 2020 lodged by Tehsildar Mr. Sachin Laxman Shejal, Tehsil Alibag. According to the prosecution, the Applicant had committed misappropriation / cheating of an amount of Rs.29,59,402/-.

4. In this case, after investigation, a chargesheet is filed. The Applicant was arrested on 12 September 2020 and is in custody since then.

5. I have heard the learned counsel for the parties. Perused record.

6. The learned counsel for the Applicant pointed out that out of an amount of Rs.29,59,402/-, medicines and other articles including furniture etc. worth Rs.5,68,631/- have been recovered by the Investigating Officer. The learned counsel submitted that

the medicines and the articles have been returned under the orders of the Magistrate to the concerned suppliers. He submitted that the Applicant is ready and willing to deposit an amount of Rs.15 Lakhs, if reasonable time is granted to the Applicant, without prejudice to the contentions raised.

7. Learned APP submitted that the Applicant taking disadvantage of the situation prevailing then, had represented himself as the President of the NGO and under the garb of welfare activities, the patients and the family members as well as the suppliers of the medicines and other articles and even the Government Officers were cheated.

8. I have considered the circumstances and the submissions made.

9. According to the prosecution, the total misappropriation is for an amount of Rs.29,59,402/-, out of which, articles / medicines worth Rs.5,68,631/- have been recovered and are said to be returned to the suppliers, under the orders of the Magistrate. It is true that there cannot be any justification for the act committed by the Applicant. However, the investigation in this case is complete and the chargesheet is filed. The Applicant is in custody for more than 1½ years. The Applicant has also shown willingness to deposit an amount of Rs.15 Lakhs which

would take care of the substantial amount for which the misappropriation is alleged.

10. In such circumstances, the following order is passed.

ORDER

- (i) The Criminal Bail Application is allowed.
- (ii) The Applicant Sajid Noor Sayyed, be released on bail in R.C.C. No.128/2020, arising out of Crime No.101/2020 of Police Station Alibag, District Raigad, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.
- (iii) The Applicant shall deposit Rs.15 Lakhs before the learned Magistrate, within six weeks from his release.
- (iv) The Applicant shall file an undertaking to that effect before the learned Magistrate within seven days of his release.
- (v) The Applicant shall undertake to remain present during the course of trial, unless exempted.
- (vi) The Applicant shall not directly or indirectly make any attempt to tamper with the prosecution evidence or witnesses.
- (vii) In the event of breach of any of the conditions, including about furnishing of an

undertaking and the deposit, liberty to the prosecution to apply for cancellation of bail.

(C.V. BHADANG, J.)