

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1630 of 2022

Abdul Gani Nizamuddin Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr. M.K. Kocharekar for the applicant.
Mr. Shirish Shigwan for respondent no.2.
Mrs. Anamika Malhotra, APP for the State.
PSI Shri Gaikwad from RCF police station

CORAM: BHARATI DANGRE, J.
DATED : 6th JULY, 2022

P.C:-

1 On the complainant putting his appearance through the learned counsel, he has placed on record an affidavit sworn by him on 4/7/2022.

The same is taken on record.

2 In the affidavit, the applicant (complainant) Zunaid Khan has stated that the accused persons have taken amount of Rs.16 lakhs from him as consideration for MHADA, Bhakti Park, Mhada colony, by representing that they are the owners of the said building and hence entitled to sale it.

3 However, on inspection given of the Mhada officers, he came to be evicted and therefore, he lodged a complaint.

4 In paragraph no.3 of the affidavit, he has stated that after lodging of the FIR, the accused had repaid him some amount and have given different post-dated cheques towards the amount paid by him to the accused persons. The details of the payment made through RTGS and the cheque number with their respective dates are stated in paragraph no.3 of the affidavit. In paragraph no.4, he makes the following statement:-

“I say that I have received the amount and there is nothing due and payable by the applicant and others and now I have no grievance against the applicant. Therefore, I shall have no objection if this Hon’ble Court grants the Anticipatory Bail to the applicant and others”.

In the wake of the above, since the grievance of the complainant is redressed and the counsel for the applicant state that after receipt of the entire amount, by way of post-dates cheques and on the said cheques being honored, he shall accord his no objection for quashing of the FIR, on the petition that will be filed by the applicant or any of the accused.

In the wake of the above settlement being effected, no custodial interrogation is required. Hence, the following order:-

ORDER

- (a) In the event of his arrest, the Applicant – Abdul Gani Nizamuddin Shaikh in connection of C.R.No.595/2021 registered with RCF police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two 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 and should not tamper with evidence.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.

5 The Application is allowed in the aforestated terms.

(SMT. BHARATI DANGRE, J.)