

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2026 of 2022**

Sagir Ajgar Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

**WITH
BAIL APPLICATION NO.983 of 2022**

Nilesh Shivanand Bhingardive .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Waqar Nasir Pathan for the applicant in BA 2026/2022.
Mr.Sanjeev Kadam i/b Prashant Raul for the applicant in BA No.983/2022.
Mrs.A.A. Takalkar, APP for the State.
PSI Narayan Dalvi from Vile Parle police station.

**CORAM: BHARATI DANGRE, J.
DATED : 12th OCTOBER, 2022**

P.C:-

1 The two applicants who are facing u/s.395, 170, 419, 120B r/w Section 34 of the IPC in Sessions Case No.535/2021 seek their release on bail. The applicant Sagir Ajgar Khan in B.A

No. 2026/22 is charged as accused no.7, whereas the applicant Nilesh Bhingardive in Bail Application No.983/2022 is charge-sheeted as accused no.6. Both are arrested on 20/2/2021 and on completion of investigation, charge-sheet has been filed.

The case of the prosecution which would surface from the charge-sheet is, that accused no.1 Dinesh Gureja wanted to transfer Rs.12 crores to Canada and for that purpose, he contacted accused no.2.Gafoor Mohammed who in turn contacted Dr.Prasad. Dr.Prasad directed the accused nos.1 and 2 to the accused no.3, Dinesh Pathare and in furtherance of the conspiracy hatched,, they all went to Airport Taj Hotel, Vile Parle where they met accused no.4. where a meeting was arranged with the co-accused Rakesh Pandey and Sudhir Bhuleshankar.

Accused no.1 expressed his intention to transfer Rs.20 crore instead of the original amount of Rs.12 crores out of which it was decided that accused nos.3 and 4 would be benefited to the tune of Rs.Two crore each. Accordingly, on 17/2/2021, an amount of Rs.12 crores was brought to Bawa International Hotel, Vile Parle, Mumbai and it was sent to one Patel Angadia, Malad, Mumai, where it was counted by co-accused Tushar and Sudhir. It is the case of the prosecution that when the amount was brought there, and it was being counted, four persons arrived there in civil clothes and they posed themselves as police officers. They created a scene by questioning the persons who were counting the money and starting assaulting the persons present in

the office and forcibly took possession of the money found in the office. One Vikas Sethi, who was also present as office boy in P. Patel & Co, along with Tushar Khandagale, were apprehended and along with the said persons, the bags full of money were taken down. Two vehicles were waiting downstairs and they were made to sit in the vehicles and it was projected as they were to report to the Andheri ACB Office, but instead the cars were driven to the house of Tushar Khandagale in Goregaon, where one of his servant Sachin was present. The persons who projected themselves as police personnel seized the mobile phone of Vikas and he along with Sachin were made to sit in the kitchen and in the hall, Tushar Khandagale, one Yashwant, Dinesh Gupta and four persons who impersonated themselves as police, who started counted the currency. After counting it, three persons, out of the four, took some money bags with them and one person who projected himself to be a police officer, left after some time with the remaining money. Thereafter, discussion took place between Tushar and Yeshwant and they informed the office boy by stating that they have to proceed to Kalyan, and they all went together at Kalyan in the car belonging to Tushar. Thereafter, both Yeshwant and Tushar also carried the respective bags filled with money with them. On the way back, some amount was distributed to some persons and some amount was even given to Vikas Sethi which he was asked to distribute to one Amol Kamble.

3 The star witness of the prosecution is Vikas Sethi, who had identified the photographs of the arrested persons and two of them are the present applicants who had impersonated themselves as police personnel. In Identification Parade, he identified the two applicants. The learned APP state that there is recovery of Rs.Forty Lakhs from the applicant Sagir, whereas from Nilesh, there is recovery of Rs.One Crore Sixty Six lakhs, and a sum of Rs.Nine lakhs which is recovered from one Shweta Gandhi who has given a statement that the sum of Rs.Nine lakhs was given to her by Nilesh. Thus, there is a recovery of Rs.One crore Seventy five lakhs from him.

 The offence with which the two applicants is charged is a serious one as by impersonating the police, all the accused persons conspired together to distribute the money amongst themselves and though it is not clear as to who the money belong to, the recovery attributed to the present applicants, immediately on their arrest, strongly connect them to the offence which has been committed and in which they have been arrested.

4 Considering the seriousness of the charge, the applicant do not deserve their release on bail and hence, the applications are rejected.

(SMT. BHARATI DANGRE, J.)