

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3266 OF 2021

Mohd Wasim Mohd. Fareed Sheikh Applicant
Versus
The State of Maharashtra Respondent

Mr. Ujjwal Gandhi, Advocate for the Applicant.
Mr. Ajay Patil, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 10th JANUARY, 2022
[THROUGH VIDEO CONFERENCING]

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No.110/2020 dated 13.3.2020 registered at Nerul Police Station, Navi Mumbai under Sections 406, 420, 465, 467, 468, 471 read with 34 of the Indian Penal Code.

2. Heard Shri Ujjwal Gandhi, learned counsel for the Applicant and Shri Ajay Patil, learned APP for the State.

3. The prosecution case is that one Satyaprakash Verma was having a company by the name "Travells Point". He

induced various victims to give their four-wheeler vehicles on rent. He told them that those vehicles would be used by different hotels. The vehicle owners were to be paid fixed monthly rent. The victims fall prey to this inducement and entered into rental agreements with the main accused. After these cars were taken in possession, the main accused sold those cars unauthorizedly to various people, including the present applicant. The cars were used for illegal purposes, viz., illicit liquor trafficking in Gujarat etc.

4. Learned counsel for the applicant submitted that two of the co-accused are granted bail, namely, Ashish Pujari and Javed Shaikh by the JMFC Court at Vashi. Therefore, on the ground of parity the applicant deserves to be released on bail.

5. Learned APP opposed this application and relied on the material collected during the investigation, which has resulted in filing of the charge-sheet.

6. I have considered all these submissions and in particular I have perused the charge-sheet. The charge-sheet

contains certain statements relating to the applicant. One of the co-accused Anthony gave his statement that the applicant was given five cars through co-accused Ashish Pujari. The memorandum panchnama under Section 27 of the Indian Evidence Act given by the applicant was also recorded wherein he had showed willingness to give information about some cars which he had sold. The investigation shows that the applicant had given information about four Toyato Crysta and one Maruti Ertiga. Two of the owners were Deepak Dave and Shrikant Verma. Out of these cars, three cars were seized by the Collector, Daman for having used for illicit bootlegging.

7. The investigation papers also showed that one of the cars which the applicant had sold was connected with C.R. No.2121/2020 registered at Yerwada police station, Pune and that car was also seized.

8. Thus, it can be seen that the applicant is involved continuously in these types of offences. It forms a continuous chain. The offences are serious and the vehicle owners are deprived of their vehicles. This obviously is an illegal

business which is causing losses to many people. There are many such victims whose names are mentioned in the charge-sheet.

9. As far as the bail order in favour of the co-accused Ashish Pujari is concerned, the learned JMFC has given absolutely no reasons. The parity does not apply in favour of the applicant. The offence is serious. The victims involved are many. There are different layers of this offence, as at every stage different offences were committed viz., criminal breach of trust, theft, bootlegging etc. It appears that the applicant is a habitual offender. Therefore, bail cannot be granted to him.

Hence, the following order :

ORDER

(i) The application is rejected.

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
2022.01.11
10:57:40
+0530