

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3384 OF 2021

Rizwan Iqbal Bambotiya .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr.Aruj Rajput with Shabnam Shaikh for the applicant.
Ms.A.A. Takalkar, APP for the State.
PSI Shri Pratap Bandgar from Goregaon police station.

CORAM: BHARATI DANGRE, J.
DATED : 27th SEPTEMBER, 2022

P.C:-

1 The learned APP today make a categorical statement that no amount has gone to the account of the present applicant who is arraigned as accused no.2.

 The applicant is arraigned as accused in C.R.No.119/2020 registered with Goregaon police station which invoke Sections 420, 420, 465, 467, 468 and 34 along with Section 66-C and D of Information Technology Act.

2 The applicant came to be arrested on 27/9/2022 and on completion of investigation, charge-sheet is filed. The prosecution case is to the effect that the complainant residing in Borivali East came in contact with accused no.1 who offered him two flats of MHADA for a consideration of Rs.89,42,930/-. It is

alleged that accused no.4 issued a Letter of Allotment in respect of the said flat and he was made to part with huge sum on the pretext that one or the other day, he shall be put in possession of the property. The complainant also alleged that he received email and some messages and the allegation of the prosecution is that this was done by the present applicant. The charge-sheet reveal that the emails which are forwarded were received from the portal of “pmindia.gov.in” and from the website of “maharera.mahaoonline.gov.in”. When the entire charge-sheet is perused, it has surfaced that the present applicant by projecting himself as a Chief Minister as well as high functionary had given hopes to the complainant and one such email alleged to have been forwarded from the google account ID in the name of “Devendra F”, is also recovered. The gmail account from which the message was received upon with the mobile number of the applicant, clearly reflect that it was forwarded from him. His mobile phone is also used for sending mails from cov.rajput@gmail.com.

In any case, the prosecution has not established that based on these messages/emails, the complainant was persuaded to part with the money. In any case, it is not the case of the prosecution that any amount has been received by him from the complainant, though he may take the consequences of the serious allegation, he deserve his release on bail. Hence, the following order :-

O R D E R

- (a) The Applicant – Rizwan Iqbal Bambotiya in connection with C.R.No.119/2020 registered with Goregaon 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 concerned police station on 1st Saturday of every trimester between 3.00 pm to 5.00 p.m. The Applicant shall also 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 aforestated terms.

(SMT. BHARATI DANGRE, J.)