

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2424 OF 2021

Saud AlamMohamad Islam

...Applicant

vs.

The State of Maharashtra

...Respondent

Ms. Khushboo Dilloud a/w. Mr. Yashmaan Mishra, Mr. Mangesh Bhende and Ms. Sunita Vishwakarma i/b. Digajmaan Mishra from Brahmand Lexis LLP, for the Applicant.

Mr. P.H. Gaikwad APP, for the State.

**VISHAL
SUBHASH
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CORAM : N. J. JAMADAR, J.

DATE : JUNE 13, 2022

P.C.:

1. This application for pre arrest bail is filed in connection with C.R. No. 359 of 2019 registered with Sarkarwada police station, Nashik for the offences punishable under sections 420, 468, 467, 471 read with 34 of Indian Penal Code, 1860.

2. Mr. Samadhan Pagar, the first informant, had lodged the report with the allegations that one Rajkumar @ Bhagatsingh @ Zulquarnain Azar Aalam had induced the management of Brahma Valley College of Engineering, where the first informant was posted as a Registrar, to deposit a sum of Rs. 8,45,000/- towards the counseling fee by making a false representation that the said accused would secure the students for admission, in the first informant's college. Evidently, it turned out that the documents

showing the educational qualification of the students and the Demand Drafts were forged.

3. The role attributed to the applicant, in this application, is that of the above named accused having received a sum of Rs. 1,70,000/- in the account maintained in the name of the applicant.

4. By an order dated 7th October, 2021 this Court had granted interim protection and the applicant was ordered to be released on bail in the event of arrest.

5. The learned counsel for the applicant submits that, in the intervening period, the applicant had deposited a sum of Rs. 1,70,000/- before the Court of Session. The principal accused Rajkumar @ Bhagatsingh @ Zulquarnain Azar Aalam has been released on bail by the learned Chief Judicial Magistrate, Nashik.

6. In any event, the allegations of cheating and forgery are primarily against the principal accused, Rajkumar @ Bhagatsingh @ Zulquarnain Azar Aalam. The indictment against the applicant is that a part of the amount, which the management of the college was induced to part with, was deposited in the account of the applicant. The said amount had already been deposited by the applicant before the Court of Session. In the circumstances, the custodial interrogation of the applicant does not seem warranted.

7. Hence, the interim order dated 7th October, 2021 is made

absolute on the same terms and conditions.

8. In addition, the applicant shall regularly attend the proceeding before the Court of learned Chief Judicial Magistrate, Nashik.

9. Application stands disposed.

(N. J. JAMADAR, J.)