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

BAIL APPLICATION NO. 3548 OF 2021

Khan Khalid Mohammed Hanif ..Applicant
vs.
The State of Maharashtra ..Respondent

Mr. Sagar Kadam a/w Mr. Arnav Rane, for applicant in
BA/3548/2021.
Ms. A.A. Takalkar, APP for respondent.
Mr. Chaudhary, API, Mira Bhayander Vasai Virar Police
Station present.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 23, 2022

P.C. :

- 1.** Heard learned counsel for the applicant.
- 2.** This is an application for bail in respect of an offence punishable under sections 420, 465, 467, 468, 469, 471, 123B and 34 of the Indian Penal Code, 1860 in connection with C.R. No. I-68 of 2019 registered with Mira Road Police Station.
- 3.** The F.I.R. is filed by the complainant -Barthol Lawrence Dias. The prosecution pertains to a land of the

ownership of one Harishchandra Patil. It is alleged that the complainant's construction company wanted to purchase the land and make construction thereon for the sale. One of the agent informed the complainant that Ravindra Kundra was the owner of M/s. J.K.Housing Finance who have rights in the land and for sale as well by virtue of memorandum of understanding executed with the original owner. It was then informed that M/s. PSK Infrastructure Builders and Developers of which the applicant and one Shoaib Abdul Sattar Nathani are partners, have right to deal with the property. Pursuant to the meeting held, it was decided by the complainant to pay amount of Rs.4,75,00,000/- as sale consideration. The total amount of Rs. 1,88,82,400/- was transferred in favour of the applicant in his capacity as partner of the company. Thereafter Rs.80,00,000/- was paid by the applicant to the owner-Harishchandra Patil. The sale deed was not executed.

4. It is the contention of the learned counsel for the applicant that the monies which were deposited in the account of the applicant were transferred by cheque in

favour of the Ravindra Kundra and Shoaib Abdul Sattar Nathani and others. According to the applicant it was his partner Nathani who was dealing with the transaction.

5. Learned APP submitted that one of the partner of the applicant (Nathani) is absconding.

6. So far as the applicant is concerned, he is in custody since 15/12/2019, for almost a period of 2 years and 11 months. The investigation is complete and the charge-sheet has been filed. The applicant has co-operated with the investigation. Considering the nature of the offence under sections 420, 465, 467, 468, 469, 471, 123B and 34 of the IPC, further custody of the applicant is not warranted. Hence, the following order.

ORDER

(a) The applicant – Khan Khalid Mohammed Hanif in connection with C.R.No.I-68 of 2019 registered with Mira Road Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs. 25,000/- with one or two sureties in 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 once in a month on every Monday of the first week between 11.00 a.m. and 1.00 p.m.

(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.

5. The application is allowed in the aforestated terms.

(M. S. KARNIK, J.)