

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

CRIMINAL BAIL APPLICATION NO.3931 OF 2021

Malikjan Moulasab Pathan ...Applicant

Vs.

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO.457 OF 2022
IN
CRIMINAL BAIL APPLICATION NO.3931 OF 2021**

Riyaz Yunus Landage ...Applicant

IN THE MATTER BETWEEN

Malikjan Moulasab Pathan ...Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.Rahul B. Khot for the Applicant.

Ms.M.R. Tidke, APP for the Respondent-State.

CORAM : C.V. BHADANG, J.

DATE : 24 MARCH 2022

P.C.

. By this Application, the Applicant (Accused No.5) is seeking release on bail in Crime No.288 of 2020 registered with Ashta Police Station, Sangli, under Section 323, 419, 420, 504, 506 read with Section 34 of the Indian Penal Code.

2. The aforesaid Crime is registered on the basis of the complaint lodged by Riyaj Landge.

3. According to the prosecution there was a conspiracy between the Accused No.1 and Accused Nos.2 to 5. As a part of the said conspiracy a representation was made to the informant to become a partner in the business of minor and minerals of the Accused No.1. The Applicant is alleged to have prepared a forged and fabricated letters showing that an amount of Rs.6,80,01,424/- has been received in the bank account of the Accused No.1 in the Union Bank of India, Branch Vasco da gama, Goa. On the basis of such representation an amount of Rs.64 lakhs was obtained from the informant in cash and Rs.44,50,747/- by RTGS entry (Total Rs.1,08,50,747/-). However, thereafter the Applicant had failed to give share in the partnership to the informant in the business of the Accused No.1.

5. Insofar as the present Applicant is concerned it is alleged that he had prepared the bogus stamp of the Union of India, Branch Vasco da gama, Goa and thereby facilitated the obtaining of Rs.1,08,50,747/- from the informant.

6. The Applicant was arrested on 19 March 2021 and is in custody since then.

7. In this case after investigation a charge-sheet is filed.
8. I have heard the learned counsel for the parties.
Perused record.
9. It is not disputed that out of the five accused all accused except the present Applicant have been released on bail/anticipatory bail including the Accused No.1 Javed Shafi Kaji.
10. The learned Additional Public Prosecutor did not dispute that all the co-accused have been released on bail including main accused No.1.
11. In such circumstances, the following order is passed.

ORDER

(i) The Applicant-Malikjan Moulasab Pathan be released on bail in Crime No.288 of 2020 of Astha Police Station, District-Sangli (Transferred to EOW, Sangli), on execution of a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(ii) The Applicant shall not tamper with the prosecution evidence or attempt to influence or

contact the complainant, witnesses or any person concerned with the case;

(iii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station.

(iv) The Applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

(v) Interim application for intervention is also disposed of.

C.V. BHADANG, J.