

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

944 BAIL APPLICATION NO.303 OF 2023

ISMAILSHA BACCHALSHA SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ghanekar Nilesh S.
APP for Respondent-State : Mr. S. P. Sonpawale.
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CORAM : S. G. MEHARE, J.
DATE : 23.02.2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. At the time of making fraud, under the pretext of sanctioning the loan of Rupees Twenty Crores, the other accused have taken Two Crores from the applicant as a deposit from time-to-time. The applicant was not named in the FIR. For the first time, the applicant found present when the police went to Kutch/Kachchh in the State of Guj Rath to arrest the other co-accused. Then, the allegations were levelled against the applicant for the first time that he was also the person present at the time of receiving money. Nothing has been recovered from the applicant. The applicant is the brother of

co-accused. However, the report reveals that the complainant has many meetings with the other accused. He never made allegations against the applicant in the FIR. Considering these facts and circumstances, the role attributed to the applicant appears not supported with the incriminating material. Therefore, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ISMAILSHA BACCHALSHA SHAIKH** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.468 of 2022, registered by Police Station Shivajinagar, District Beed, for the offences punishable under Sections 420, 409, 467, 468, 469, 471 read with Section 34 of the IPC, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.

- (b) He shall attend the Police Station as and when called by the Investigation Officer on written notice till filing of the charge sheet.

(S. G. MEHARE, J.)

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vmk/-