

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3926 OF 2022**

Sharik Mushtaq Ahmad (Shaikh)

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. R. R. Salvi i/b Mr. Saif Mobhani for the Applicant.
Ms Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.
DATED : 29 MARCH 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant came to be arrested in Crime No. 98 of 2022 registered at Bhilwandi Police Station, Sangli for the offences punishable under Sections 420, 406, 417, 467, 468, 471 r/w 34 of the Indian Penal Code.

3. The allegations against the present applicant and other co-accused are of cheating and forgery. It is alleged that the present applicant and other co-accused cheated the complainant to the tune of Rs. 10,05,000/- on the pretext that they would get him appointed as clerk in the Indian Railway.

4. The learned counsel for the applicant submits that according to the prosecution the complainant has paid Rs. 4 Lakhs to the present applicant. The learned counsel for the applicant, on instructions, submits that the applicant without prejudice to his rights is ready and willing to return the said amount to the complainant.

5. In view of the above statement and as the applicant is in jail for about 10 months, I am inclined to release him on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 98 of 2022 registered at Bhilwandi Police Station, Sangli for the offences punishable under Sections 420, 406, 417, 467, 468, 471 r/w 34 of the Indian Penal Code on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall pay the amount of Rs. 2 Lakhs to the complainant within two weeks from today and rest of the amount of Rs. 2 Lakhs within two months through Investigating Officer.

(N.R. BORKAR, J.)