

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 458 OF 2022

Shaikh Muhtaq Shaikh Munaf

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Mohsin Khan along with Mr. R. T. Diwate i/b. Mr. Ashish Dand,
Advocate for the Applicant.

Mr. A. A. Palkar, APP for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 20th OCTOBER, 2023.

P.C. :

1. By this application, applicant is seeking bail in Crime No.495 of 2019 registered with Shivaji Nagar Police Station, Pune, for offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860.

2. It is prosecution's case that police had received confidential information that there was a racket run by applicant and his companion of making false and fabricated documents for furnishing false sureties for releasing accused persons in Aurangabad, Nashik and Pune Courts. In connection of said crime, police arrested applicant and recovered false and fabricated documents from his

custody. In investigation, it is revealed that applicant and other co-accused prepared false and fabricated documents for furnishing surety in Court Room No.5 of JMFC, Shivaji Nagar, Pune. Hence, complaint was lodged against the applicant and other accused.

3. It is the contention of learned counsel for applicant that in similar nature of crime, applicant was arrested by Aurangabad Police and this Court (Coram : M. G. Sewlikar, J.) by order dated 18th November 2021 has released the applicant on bail. Learned counsel further submitted that applicant is behind bar for more than four years, yet charge has not been framed. Hence, requested to allow the application.

4. It is the contention of learned APP that applicant was using false and fabricated documents to give sureties. Applicant has submitted documents before the JMFC Court at Shivaji Nagar, Pune. There is prima facie case against the applicant. Hence, requested to reject the application.

5. I have heard both learned counsel, perused the FIR and charge-sheet.

Allegations against the applicant are that he has prepared false and fabricated documents and on that basis, he used to furnish

false sureties. Offence was registered against applicant at Aurangabad on same allegations. The co-ordinate Bench of this Court at Aurangabad has released the applicant on bail in that matter. Applicant is behind bar for more than four years, yet charge has not been framed. Maximum punishment for offence committed by applicant is seven years. Under Section 467 of IPC, it needs evidence.

6. Considering the above facts, I pass following order :

ORDER

- (i) Applicant be enlarged on bail Crime No.495 of 2019 registered with Shivaji Nagar Police Station, Pune, on executing P.R.Bond in the sum of Rs.75,000/- with one or two sureties in the like amount.
- (ii) Applicant shall attend the concerned police station twice a week i.e. on every Monday and Friday till conclusion of the trial.
- (iii) Applicant shall inform his latest place of residence and mobile number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Investigating Officer.

7. The application is allowed in the aforesaid terms and is accordingly disposed off.

8. It is made clear that the above observations are made only for the purpose of granting bail and the Trial Court shall decide the case on its own merits in accordance with law and uninfluenced by the observations made in this order.

9. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)