

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 968 OF 2023

Badshah Rajesaheb Patel ...Applicant
V/s.
The State of Maharashtra ...Respondent

WITH
BAIL APPLICATION NO. 1086 OF 2023

Anwar Isaf Turk ...Applicant
V/s.
The State of Maharashtra ...Respondent

Mr. Veerdhawal Deshmukh for the Applicants.
Ms. Rutuja Ambekar, APP for the Respondent/State.
API Suresh K. Kharat, Panvel City police station, Raigad.

CORAM : N.R. BORKAR, J.
DATE : 04.05.2023

P.C. :

1. The applicants, who are accused in Crime No. 404 of 2022 registered at Panvel City Police Station, District Raigad, for the offences punishable under Sections 420, 170 read with 34 of the Indian Penal Code (IPC), have filed these applications under Section 439 of the Code of Criminal Procedure for bail.
2. I have heard the learned counsel for the applicants and the learned APP for the respondent – State.
3. According to the complainant, his friend Prashant Pitambar More, who is co-accused in the present crime, told him that co-accused namely Rajubhai and Ashraf who are from the state of

Gujarat and known to him, are in need of old currency notes for election purpose and they are ready to give Rs.50,000/- (in words Fifty Thousand) extra for Rs.1,00,000/- (in words One Lakh) each. According to the complainant, the said co-accused Prashant further told him that he had given Rs.20,00,000/- (in words Twenty Lakhs) to them and they had returned him Rs.30,00,000/- (in words Thirty Lakhs). It is alleged that the said co-accused Prashant further told him that this time they want at least Rs.2,00,00,000/- (in words Two Crores).

4. According to the complainant, he believed the said co-accused Prashant and made arrangement of a cash amount of Rs.2,00,00,000/-. It is alleged that at the time of handing over the said cash amount of Rs.2,00,00,000/-, the present applicants came there and told him that they are police personnels and took away the said cash amount of Rs.2,00,00,000/-. According to the complainant, later on he found that it was all plan hatched by the applicants and other co-accused to dupe him and applicants were not police personnels.

5. Learned counsel for the applicants submits that the applicants were not known to the complainant, still no identification parade is conducted.

6. It appears that applicants are in jail for about ten months. There are no other criminal antecedents. It is not the case of the prosecution that at the time of alleged incident, the applicants

were wearing police uniform. Considering the overall facts and circumstances of the case, I am inclined to release the applicants on bail. In the result, the following order is passed.

ORDER

A] Bail Applications are allowed.

B] The applicants- Badshah Rajesaheb Patel and Anwar Isaf Turk, be released on bail in C.R. No. 404 of 2022 registered at Panvel City Police Station, for the offences punishable under Sections 420, 170 read with 34 of the IPC, on furnishing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two local sureties in the like amount.

C] The applicants shall attend the concerned police station once in a month, i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

[N.R.BORKAR, J.]