

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3033 OF 2022
WITH
INTERIM APPLICATION NO. 3770 OF 2022

Sultan Sirajuddin Mohd. Yasin ...Applicant

Versus

The State of Maharashtra ...Respondent

AND
ANTICIPATORY BAIL APPLICATION NO. 1660 OF 2022
WITH

INTERIM APPLICATION NO. 2147 OF 2022

Riyaz Ikbal Hamdulay ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Ms. Anita Castelino a/w Ms Jayshri Rajemahadik a/w Mr. Mehul Thakkar
for the Applicant in ABA/3033/2022.

Mr. Siddiqui Mohammed Arif a/w Mr. Majid Ibli a/w Mr. Siraj Ansari a/w
Mr. Mohsin Sayed for the Applicant in ABA/1660/2022.

Mr. P.H. Gaikwad Patil, APP for the State.

Mr. Murtaza Nazmi i/b Mr. Avinash Ovhal for the Interveners.

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CORAM : N.R. BORKAR, J.

DATED : 6 MARCH 2023

P.C. :-

. The applicants, who are accused in Crime No. 286 of 2021 registered at Taloja Police Station for the offences punishable under Sections 420 r/w 34 of the Indian Penal Code have filed these applications under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. I have heard the learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the intervenor-complainant.

3. According to the complainant, the present applicants agreed to sell the flat in their flat scheme, accepted Rs. 32,25,000/- from him and has sold the very same flat to one Ahmed Hasmat.

4. The applicant in Anticipatory Bail Application No. 3033 of 2022 has filed an affidavit dated 23 January 2023. The said affidavit reads thus:

“1.I undertake to pay the Original Complainant (Victim) an Amount of Rs. 32,25,000/- with interest @ 6% p.a. simple interest from October, 2015.

2.I say that in the alternate I have already undertook as per the Order dated 27 October, 2022, passed by Her Hon’ble Justice Smt. Gauri Godse, that I will give Possession to the Original Complainant (Victim).”

5. The complainant is not agreeable to the above proposal. The complainant has already filed civil suit for specific performance of the contract. Considering the facts and circumstances of the case, I am inclined

to release the applicants on anticipatory bail. Hence, the following order is passed:

- (i) Applications are allowed.
- (ii) In the event of arrest of applicants in Crime No. 286 of 2021 registered at Taloja Police Station for the offences punishable under Sections 420 r/w 34 of the Indian Penal Code, they shall be released on bail on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

6. The Interim Applications are disposed of.

(N.R. BORKAR, J.)