



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.2482/2023

SHABBIR SAYYAD PATEL

..APPLICANT

VS.

THE STATE OF MAHARASHTRA & ANR.

..RESPONDENTS

Adv. Rishi Bhuta i/b Adv. Ashish Dubey for the applicant.
Ms. Veera Shinde, APP for the State.
PSI Suhas Patil, Pune City.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 30, 2023.

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 419, 420, 465, 467, 468, 471, 412, 201, 120-B read with 34 of the Indian Penal Code registered on 04/03/2023 vide C.R. No.83 of 2023 with Shivajinagar Police Station, Thane.
- 3.** It is the prosecution's case, in brief, that accused No.8 – Disha Pote entered into an agreement of sale with the owner – Mr. Jayant of the flat. On the basis of the said agreement, accused No.8 Disha approached IDBI Bank for a loan. The loan was sanctioned to the tune of Rs.63 Lakhs in

favour of the owner Mr. Jayant. The accusation is that a fictitious account was opened in the name of Mr. Jayant and the loan amount was credited in that account. Thereafter, the amount so deposited was transferred to the accounts of accused Nos. 2,3 and 4.

4. So far as the applicant is concerned, who is accused No.1 and according to the prosecution's case it is the accused No.1 who had helped accused No.8 to forge documents and therefore, his complicity not only in respect of the loan obtained from the IDBI Bank but also the applicant helped the accused No.8 and is responsible in forging documents for obtaining loan from the Canara Bank. However, the loan from the Canara Bank did not materialise for some reasons.

5. Accused Nos. 2, 3, 4 and 8 are enlarged on bail. The monies were transferred in the account of accused No.8 and thereafter in the accounts of accused Nos. 2, 3 and 4. There is nothing on record to show that the applicant is a beneficiary of the said amount. Further, to show the applicant's bonafides, the applicant's wife has filed an affidavit dated 30/10/2023 in this Court that a sum of

Rs.5,00,000/- will be deposited in terms of schedule stated in the affidavit. Statements made in the affidavit are accepted as an undertaking to this Court.

6. The applicant was arrested on 14/04/2023 and is now in custody for more than 6 months. The possibility of the trial concluding any time soon appears remote. The applicant has criminal antecedents of the year 2007 and 2021 of a similar nature. However, having regard to the facts and circumstances in the present case, considering the affidavit filed and as the other co-accused are enlarged on bail, in my opinion, the antecedents should not come in the way of the applicant's enlargement on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Shabbir Sayyad Patel in connection with C.R. No.89 of 2023 registered with Shivajinagar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs.50,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the Investigating Officer of Shivajinagar police station once in a month every first Sunday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall surrender his passport, if any, to the investigating officer.

(i) The amount mentioned in the affidavit to be deposited with the trial Court which will be without prejudice to the rights and contentions of the parties.

(j) The applicant shall abide by the statements made in the affidavit-cum-undertaking.

7. The application is disposed of.

(M. S. KARNIK, J.)