

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

BAIL APPLICATION NO. 3359 OF 2022

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Firoz Afsar Khan

..Applicant

VS.

The State of Maharashtra

..Respondent

Mr. Mubin Solkar a/w Mehrosh Shaikh i/b. Mr. Aamir Sopariwala for the Applicant.

Mr. N. B. Patil, APP for the State.

Mr. Toradmal, PI, Vashi Police Station, Navi Mumbai is present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 11, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.

2. This is an application for bail by the applicant-Firoz Afsar Khan in connection with C.R. No.I-459 of 2018 dated 02/09/2018 registered with Malad Police Station, under Sections 420 read with 34 of the Indian Penal Code, 1860.

3. It is alleged that the applicant accepted an amount of Rs.4,37,000/- from the informant on the promise that he will be given partnership in Hotel Woodstock, Andheri,

Mumbai. The total amount involved in partnership is stated to be Rs.31,90,000/-. The major beneficiary is the co-accused -Vijay Murti Medithi. Vijay Murti Medithi is released on bail by the Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai by the order dated 20/04/2021. It is alleged that the co-accused -Vijay received an amount of Rs.27,53,000/- whereas, it is alleged that Rs.4,37,000/- came to the share of the applicant. It is the contention of learned counsel for the applicant that it is a civil dispute.

4. Learned APP opposed the application.

5. It is pointed out that though the offence was registered on 02/09/2018, the applicant was arrested only on 09/12/2019.

6. It is further pointed out that there are as many as 6 criminal antecedents of similar nature reported against the applicant. The antecedents are of the year 2012, 2014, 2015 and one is of the year 2019. The applicant has been released on bail in these cases.

7. So far as the present offence is concerned, the applicant has undergone the custody of more than 3 years

and 1 month. The trial is not likely to commence any time soon. The maximum imprisonment prescribed for the offence punishable is 7 years. Considering this long period of incarceration, the nature of the antecedents are such that in my opinion are not sufficient to deprive the applicant the facility of bail. Moreover, the accused with a larger complicity has already released on bail.

8. Hence the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant-Firoz Afsar Khan shall be released on bail in connection with C.R. No.I-459 of 2018 registered with Malad Police Station, on his furnishing P.R. Bond of Rs.50,000/- with one or two 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 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.

(e) The applicant shall report to the concerned police station, twice a month i.e. first and third Tuesday, between 11.00 a.m. and 1.00 p.m. till the trial is over.

(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.

9. The Bail Application is disposed of.

(M. S. KARNIK, J.)