IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3251 OF 2022

Kadiri Mohammad Ali …Applicant

V/s.

The State of Maharashtra & Anr. … Respondents

Mr.S.B. Talekar a/w Ms.Madhavi Ayyappan, Ms.Kalyani Mangave i/b Talekar & Associates, for the Applicant.
Mr.Y.Y. Dabke, APP for the Respondent-State.
Mr.Pankaj Deokar, for the Intervenor.
Mr.S.G. Gengaje, EOW, Satara.

CORAM : SHIVKUMAR DIGE, J.

DATE : 15th SEPTEMBER 2023

P.C:-

. By this Application, Applicant is seeking bail in Crime No.719 of 2020 registered with Satara Police Station, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code ('IPC' for short) and Section 50 of the Foreign Exchange Regulation Act, 1973.

2. It is prosecution's case that, initially accused No.2 and accused No.3. cheated the complainant, stating that, they have the chemical to convert khakhi papers in to Euro. They had shown demonstration of it, to complainant. Thereafter other co-accused and Applicant took some amounts from the complainant to provide said chemical. It is alleged that all accused have taken more than Rs. 1,00,00,000/- (Rupees one crore) from the complainant and cheated him. Allegations against the Applicant is that he took Rs. 2,00,000 (Rupees Two Lakhs) from the complainant to provide said chemical.

3. It is contention of learned counsel for the Applicant that, as per allegations, Rs.2 lakhs were given to the Applicant by the Complainant. The main allegations are against other accused. The Applicant is behind bar more than 1 and ½ year. Investigation is completed and charge-sheet has been filed. Hence requested to allow the application.

4. It is contention of the learned APP that, Complainant was deceived systematically by all Accused including Applicant. The Applicant had taken some amount from the Complainant

under the pretext to clean the khaki notes which would be converted into Euro and for providing chemical to clean the khaki notes. The Applicant is foreign national, if he is released on bail, he may abscond. Hence, requested to reject the Application.

5. The learned counsel for the Intervenor submitted that, Complainant has been cheated by all accused for more than Rs.1 Crore. The Applicant is one of the member of the said group, who cheated the Complainant. Other co-accused are absconding. Hence, requested to reject the Application.

6. I have heard all learned counsel. Perused FIR and charge-sheet.

7. The main allegations of the Complainant are against the co-accused Yoyobo, Solomon and Gambani. The allegations against the Applicant are that, Complainant had given Rs.2 lakh cash to the Applicant for cleaning the khaki notes as well as providing chemical. Applicant is behind bar more than 1 year and six months. Investigation is completed and charge-sheet has been filed.

8. Considering the above facts, further detention of the Applicant is not required.

9. In view of the above, I pass following order.

ORDER

(i) The Applicant be released on bail in Crime No.719 of 2020 registered with Satara Police Station, Thane on furnishing PR bond of Rs.1,00,000/- with one or two sureties in the like amount.

(ii) After his release from jail the Applicant shall attend the Satara Police Station, once in a month i.e. on every 1st Monday of the month between 11.00 a.m. to 3.00 p.m. till framing of charge.

(iii) The Applicant shall deposit his passport with the Investigating Officer.

(iv) The Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

(v) Application is allowed in the aforesaid terms.

(SHIVKUMAR DIGE, J.)