



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

BAIL APPLICATION NO. 3525 OF 2023

NADIRA MOHAMMED ADIB KHAN ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Rui Danawala for the Applicant.

Ms. Veera Shinde, APP for the State.

API Pankaj N. Wankhede, Kurar Poilce Station.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 08, 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 406, 420, 465, 466, 467, 468, 471 read with 34 of the Indian Penal Code (hereafter 'IPC' for short) registered on 21/03/2022 vide C.R. No.206 of 2022 with Kurar Police Station, Mumbai.
- 3.** It is the case of the prosecution that, Mr. Vinay Jain and Mr. Navalkishor Rathie have introduced accused no.2, the present applicant, with the informant stating that

accused no.2, has good acquaintance with the MHADA officials. As a result of his contacts she used to purchase and sell Flats under MHADA scheme at the cheapest rate. The informant believed the version of the accused No. 2 and requested him to show a flat at Vikhroli East. Thereafter accused No.2 offered MHADA flat to the informant for an amount of Rs. 17 lakhs. On 20/11/2021, accused No.2 had sent photographs of the MHADA building and flats to the mobile number of Naval Rathi. On 24/11/2021 Vinay Jain had forwarded the said photographs and agreement to the informant's husband on his mobile phone. Seeing the photographs it was agreed between the informant's husband, Naval Rathi and Vinay Jain to purchase 3 flats. Later on the accused no.2, the present applicant, Vinay Jain and the informant met at Naval Rathi's house, where the amount of the flat was decided, which was agreed for 17 lakhs and the procedure for payment. On 25/11/2021, Rs. 5 lakhs was transferred to the present applicant's account, Rs. 8 lakhs and Rs. 4 lakhs were transferred to the account of accused no.2.

4. On 03/12/2021 accused no.2 visited with one Ms.

Farida Khan and has executed an agreement for sale in favour of the informant. After the agreement was executed, the informant asked for one copy of the agreement. Accused No.2 refused and informed that after the paperwork completed, she will hand over the papers to the informant and others. On 21/02/2022, accused no.2 handed over the keys of the flat and allotment letter. The informant was supposed to be allotted a flat on 15th floor, but the name was reflected on the 5th floor, as well as the name Vinay Jain was printed wrong at many places, so accused No.2 said that she will get it rectified. The informant and others were called on 25/02/2022, but the accused No.2 didn't turn up. On 28/02/2022 again they visited the MHADA office where accused No.2 didn't turn up. Later in the evening, the informant and others visited the allotted flat when they were shocked to learn that it was allotted to some other person before their allotment. Later, on 05/03/2022, the informant complained to the police and then on 21/03/2022 the present FIR came to be registered.

5. The applicant was the beneficiary of the amount of Rs.5,00,000/-. Learned counsel for the applicant, on

instructions, submitted that the applicant is willing to deposit the sum of Rs.5,00,000/- with the trial Court to show her bonafides. It is submitted that a sum of Rs.2,00,000/- will be deposited within 2 days from today and the balance amount of Rs.3,00,000/- will be deposited within a period of 6 weeks from the date of the applicant's release. The statement is accepted as an undertaking to this Court.

6. Learned APP opposed the application.

7. The applicant was arrested on 15/10/2022 and now is in custody for more than 1 year as an undertrial. The applicant will face the consequences post-trial if found guilty. The investigation is complete and the charge-sheet has been filed. Considering the undertaking given to this Court along with the fact that the applicant is a woman, the applicant can be enlarged on bail. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Nadira Mohammed Adib Khan in connection with C.R. No.206 of 2022 registered with

Kurar Police Station shall be released on bail on her furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- 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) On being released on bail, the applicant shall furnish her contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

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

(g) The applicant to abide by the undertaking given to this Court.

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

8. The application is disposed of.

(M. S. KARNIK, J.)