



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

BAIL APPLICATION NO. 3960 OF 2023

SHAHRUKH ASLAM SHAIKH

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Tahera Qureshi, for the Applicant.

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

API- Bapu Ghodake, Borivali police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 14, 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 420, 465, 468, 471 read with 34 of the Indian Penal Code, 1860 ("IPC", for short) registered on 09/04/2021 vide C.R. No.204 of 2021 with Borivali police station.

3. The applicant was arrested on 10/01/2023. The complainant is serving as a Clerk in Borivali Metropolitan Magistrate Court. It is alleged that one Munaf Abdul Rehman Lambe was arrested by Goregoan police station in

connection with C.R. No. 998 of 2020 for the offences punishable under sections 420 read with 34 of IPC. The applicant and another person stood sureties for accused Munaf. The applicant produced documents regarding their solvency residence before the Magistrate Court, Borivali, but when the said documents were sent for verification to the concerned department, it was revealed that those documents produced by the sureties in Court are false and fabricated.

4. Learned APP submitted that the offence is serious. It is submitted that the applicant produced false and fabricated tax receipts and ration card while standing as a surety for the accused who are enlarged on bail. It is submitted that the applicant is habituated to the commission of such similar offences. My attention is invited to the order at page 164 of the paper-book where a similar offence was registered against the applicant in which the applicant has been enlarged on bail.

5. There is definitely substance in the submission of learned APP, however, in my opinion, considering that the investigating is complete, charge-sheet has been filed and

as the applicant is now in custody for more than 11 months for the alleged offence, further custody of the applicant will only be by way of pre-trial punishment considering that the trial will not be concluded any time soon.

6. Learned counsel for the applicant submitted that there is one more offence in which the applicant has been enlarged on bail, however, the applicant could not avail of the bail as the applicant was in custody for the present offence.

7. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail but by imposing stringent conditions. Hence, the following order :-

ORDER

(a) The application is allowed.

(b) The applicant- Shahrukh Aslam Shaikh in connection with C.R. No.-204 of 2021 registered with Borivali police station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more local sureties in the like amount.

(c) The applicant shall attend the investigating officer of Borivali police station twice in a month on first and Third Sunday of every month between 11.00 a.m. and 1.00 p.m.

till the conclusion of the trial.

(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 his 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) If it is found that the applicant is indulging in similar activities henceforth, it may be a good ground for prosecution to apply for cancellation of bail.

(h) The applicant shall surrender his passport to the investigating officer. If the applicant does not have passport, he shall file the affidavit to that effect.

8. The application is disposed of.

(M. S. KARNIK, J.)