

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 BAIL APPLICATION NO. 744 OF 2024

KHAN ABDUL KADAR NUSRAT ELAHI KHAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar And
Patel Syed Farhan S. A.
APP for Respondent/State : Mrs. M.L. Sangit
...

CORAM : S. G. MEHARE, J.

DATE : 07th MAY, 2024.

PER COURT :

1. Heard the learned Counsel for the applicant and learned APP for the Respondent State.
2. This application is under Section 436-A of the Code of Criminal Procedure. For short (Cr.P.C.). The learned Counsel for the applicant submits that, in fact there was a partnership agreement, therefore, the provisions of The Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders, Dangerous Persons and Video Pirates Act, 1981 (for short "MPAD Act") would not attract. The applicant is

languishing in jail since last three years without progress in the trial. He never protracted trial at his own.

3. Learned APP strongly opposed the application. She would submit that bail cannot be granted under Section 436-A of the Cr.P.C. as the main offence is of cheating punishable under Section 420 of the Indian Penal Code. A huge amount has been siphoned.

4. Considering the allegations leveled against the applicant and is no progress in the trial since last three years, it would improper to keep the applicant behind the bar. Hence the following order :

ORDER

- a) Application is allowed.
- b) Applicant Khan Abdul Kadar s/o Nusrat Elahi Khan, be released on bail, on executing his P.B. and S.B. of Rs. 50,000/- (Rs. Fifty Thousand Only), with one solvent surety in the like amount, on following conditions :
 - i) The applicant shall attend the trial on

each and ever date.

ii) The applicant would not deal with the plot attached by the police, till the conclusion of the trial.

(S. G. MEHARE)
JUDGE

mahajansb/