



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.250 OF 2024**

Saidul Rehman Malik @ Sayed Azaruddin Kadri ... Applicant
versus
The State of Maharashtra ... Respondent

Mr. Shadab Khopekari, for Applicant.
Mr. S.R.Agarwal, APP for State.

CORAM: N.J.JAMADAR, J.

DATE : 18 JANUARY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for bail in connection with C.R.No.833 of 2021 registered with Sakinaka Police Station for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code.
3. The applicant was working as Managing Director of Fareast Drilling Company Pvt. Ltd. Co-accused Sachin Joshi and Mohammad Asgar Ali were stated to be the key personnel of the said company. The applicant and the co-accused allegedly induced the first informant and other witnesses to part with huge amount by making a false representation that the candidates, from whom the first informant and other witnesses collected the amount, would be provided employment through Fareast Drilling Company Pvt. Ltd. The applicant and the co-accused did not secure employment to the candidates as promised, nor the amount was refunded. The first

informant and the witnesses were thus defrauded by the applicant and the co-accused to the tune of Rs.65,25,000.

4. Learned Counsel for the applicant submitted that the applicant was an employee of the said company. Co-accused Mohammad Asgar Ali, the owner of the said company, has already been released by this Court by an order dated 13 December 2023 in BA No.3358 of 2023. Another co-accused Kusum Yeshwant Keer was granted pre-arrest bail by this Court by an order dated 3 February 2023. Therefore, the applicant also deserves to be released on bail.

5. Learned APP resisted the prayer for bail. It was submitted that the applicant was equally complicit in inducing the persons to pay the amount on the pretext that the candidates would be secured employment.

6. I have perused the allegations in the FIR and the material on record. Prima facie, it appears that the applicant was working as Managing Director of the said company. Co-accused Mohammad Asgar Ali was stated to be the owner of the said company. By an order dated 13 December 2023, considering the fact that the investigation is complete and the said co-accused had volunteered to deposit an amount of Rs.5 lakhs, this Court was persuaded to grant bail.

7. Learned Counsel for the applicant, on instructions, submits that the applicant is ready and willing to deposit a sum of Rs.2 Lakhs before the trial court without prejudice to the rights and contentions of the applicant.

8. The applicant has been in custody since 9 June 2023. Investigation is complete for all intent and purpose. Chargesheet has been lodged. The trial is unlikely to conclude in the near future.

9. In the circumstances, the applicant deserves the same dispensation as has been granted to the co-accused Mohammad Asgar Ali.

10. Hence, the following order :

ORDER

(i) The Application stands allowed.

(ii) As undertaken, the applicant shall deposit a sum of Rs.2 Lakhs before the Learned Metropolitan Magistrate exercising jurisdiction over the Sakinaka Police Station within one week from today.

(iii) Subject to the aforesaid deposit, the Applicant – Saidul Rehman Malik @ Sayad Azaruddin Kadri be released on bail in C.R.No.833 of 2021 registered with Sakinaka Police Station, on furnishing a PR bond in the sum of Rs.30,000/- and one or two sureties in the like amount to the satisfaction of the Trial Court.

(iv) The applicant shall mark his presence before the Sakinaka police station on first Monday of every alternate month in between 11 am to 1 pm for a period of two years or till the conclusion of the trial, whichever is earlier.

(v) The applicant shall not tamper with the prosecution evidence. 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.

(vi) 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.

(vii) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N.J.JAMADAR, J.)