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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.628 OF 2020

Majidali @ Guddu Mansurali Shaikh	...	Applicant
v/s.		
State of Maharashtra	...	Respondent

....

Mr. Pankaj More, a/w. Mr. Nitin Kamble and Mr. Sukrut Mhatre,
for the Applicant.

Mr. Kiran C. Shinde, APP, for Respondent State.

Mr. Sameer Chaskar, API, Khandeshwar Police Station, Navi
Mumbai.

....

CORAM : R.N. LADDHA, J.

DATE : 19 MARCH 2024

P.C. :

. The applicant, who is apprehending his arrest in C.R.
No.6 of 2016, registered with Khandeshwar Police Station, Navi
Mumbai, for the offences punishable under Sections 420, r/w. 34
of the Indian Penal Code, r/w. Sections 4(1) and 13(1) of
Maharashtra Ownership Flats Act, has filed the present application.

2. Six persons have been arraigned as accused, and the

applicant is arraigned as accused no.6. The submission of the learned Counsel for the applicant is that the applicant has been arraigned as an accused only on the basis of the statement of the co-accused. The allegations against the applicant are that he was present at the time of sale transaction of the land.

3. Learned APP contends that the applicant is the master mind behind the crime, given his criminal antecedents. However, the learned APP fails to specify any allegations directly making the applicant to this criminal activity. Furthermore, there is no evidence that the applicant received any alleged proceeds from the crime. The learned APP argues that the applicant was actively present during the land sale, and the co-accused implicates him in the offence.

4. Upon perusal of the documents placed on record, it appears that the offence was occurred in 2016. The charge-sheet was, subsequently, filed in 2017 in the trial court. However, it is noteworthy that the applicant, as candidly acknowledged by the learned APP, has been incarcerated for a separate crime since 2021 and no steps have been taken for his custody in the present crime. This situation clearly indicates that the applicant's arrest in the crime is not necessary. Hence, the following order:

ORDER

- (i) In the event of arrest, the applicant – Majidali @ Guddu Mansurali Shaikh shall be released on bail in C.R. No.6 of 2016, registered with Khandeshwar Police Station, Navi Mumbai, on executing a P.R. Bond to the extent of Rs.50,000/- and furnishing one or more sureties of the like amount;
- (ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and shall not tamper with the prosecution evidence;
- (iii) The applicant shall co-operate with the investigation and attend the police station, as and when required by the Investigation Officer, and to co-operate with the trial court for the expeditious disposal of the case;
- (iv) The applicant shall furnish the details of his residential address, along with mobile number, to the concerned Investigating Officer, and the learned trial court.

5. The application is allowed in the aforestated terms.

(R.N. LADDHA, J.)