

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

BAIL APPLICATION NO. 1842 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Soheb Nabiullah Khan ...Applicant
Versus
The State of Maharashtra ...Respondent

Ms. Anjali Patil, a/w Tohid Shaikh, for the Applicant.
Mr. R. M. Pethe, APP for the State/Respondent No.1.
PSI Niklath Damodar Ghanghav, Kurla Police Station,
present.

CORAM: N. J. JAMADAR, J.
DATED: 26th APRIL, 2024

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.
 2. This is an application for bail in connection with CR No.173 of 2023, registered with Kurla Police Station, Mumbai, for the offences punishable under Sections 120B, 420, 465, 466, 467, 468, 471, 472 and 473 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code").
 3. The learned Counsel for the applicant, at the outset, submitted that co-accused Hussain Ahmed Tawakkal Khan and Vishnudev Ramshundar Mishra alias Vishnu Tripathi have been released on bail by this Court by orders dated 11th March, 2024
- 1/4**
- Order corrected as per order dated 3/5/2024.**

and 2nd February, 2024 respectively. The applicant is similarly circumstanced. Therefore, the applicant also deserves to be enlarged on bail.

4. Mr. Pethe, the learned APP for the State, countered the submissions on behalf of the applicant. The learned APP invited the attention of the Court to the statement and supplementary statement of Nasir Shaikh, the first informant and the statement of Rakesh Ghanwat, whose signatures were allegedly forged to show that an allotment letter has been issued in favour of the first informant. It was submitted that the role of the applicant is distinct from that of the accused, who have been released on bail.

5. I have perused the supplementary statement of the first informant dated 26th October, 2023. In the said statement allegations were made against the applicant as well as Vishnudev Mishra @ Vishnu Tripathi, who has been released on bail. While releasing Vishnudev Mishra @ Vishnu Tripathi this Court had, observed, *inter alia*, as under:

“6. I have perused the report under Section 173 of the Code of Criminal Procedure, 1973 (“the Code”) and the documents annexed with it. The initial false representation appears to have been made by co-accused Hussain Khan. The first informant and his wife, did not initially allege that the applicant had impersonated himself as MHADA official and induced them to part with the amount. The supplementary statements of the first informant and his wife were recorded on

21st October, 2023 in which it was alleged that the co-accused had represented to the first informant and the witness that the applicant was a MHADA official and induced them to pay a sum of Rs.5,00,000/-, each, to the applicant.

7. The nature of the transaction evidenced by the affidavit-cum-undertaking, allegedly executed by the applicant and the co-accused, appears to be a matter for adjudication at the trial.

8. In the aforesaid view of the matter, since the investigation is complete and the offences revolve around documents, the further detention of the applicant does not seem warranted.”

6. There does not appear to be much of a qualitative difference in the role attributed to the applicant and that of the co-accused, who have been released on bail. Investigation is complete. Charge-sheet has been lodged. Further detention of the applicant does not seem warranted. I am, therefore, inclined to allow the application.

7. Hence the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant be released on bail CR No.173 of 2023, registered with Kurla Police Station, Mumbai, on furnishing a P.R. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (iii) The applicant shall mark his presence at the Kurla Police Station, Mumbai, on the first Monday of every alternate month, between 10.00 a.m. to 12.00 noon for the period of three years or till conclusion of the trial, whichever is

earlier.

- (iv) 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.
- (v) On being released on bail, the applicant shall furnish their contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) 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.]