

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 3405 OF 2022

Noormohammed Allauddin Shaikh .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Milan Desai for the applicant.
Ms.Mahalaxmi Ganpati, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 23rd FEBRUARY, 2024

P.C:-

1 Heard learned counsel Mr.Milan Desai for the applicant and the learned APP Ms.Mahalaxmi Ganpati for the State.

2 This is the second Bail Application filed by the applicant for securing his release on bail, in the wake of his long incarceration, as the applicant came to be arrested on 19/11/2019 in connection with C.R.No. 303/2019 filed with Goregaon police station for the offence punishable u/s.420, 406 r/w Section 34 of the IPC.

The applicant is accused of inducing the complainant in purchase of certain property and towards this purchase, the complainant along with others, handed over amount to the tune of Rs.45,93,700/- to the applicant and his son. However, they did not receive the property and when with grave persuasion, 16 cheques were issued by the applicant, they could not be encashed.

The applicant therefore, faces accusation that he has misappropriated sum of Rs.45,93,700/- by giving an impression that he would construct commercial galas and rooms on the piece of land which was in fact never purchased by him.

The applicant on filing of the charge-sheet, faced charge under Section 420, 406 r/w Section 34 of the IPC.

3 Though on the earlier occasion, considering the role attributed to him in the charge-sheet, his application was rejected. At present, he deserve his liberty in the wake of his incarceration since 2019 and till date, it is informed that even charge has not been framed. With the number of witnesses cited by the prosecution, the possibility of culmination of the trial appear to be a distant reality and since the applicant cannot be incarcerated for indefinite period, awaiting the trial, he deserve his release on bail.

In the wake of the above, the following order is passed.

: **ORDER** :

(a) Application is allowed.

- (b) Applicant - Noormohammed Allauddin Shaikh shall be released on bail in connection with C.R.No. 303/2019 registered with Goregaon Police Station on furnishing P.R. Bond to the extent of Rs.25,000/- with one or two sureties in the like amount.
- (c) The Applicant shall mark his attendance before the concerned police station on first Saturday of every month between 4.00 p.m. and 6.00 p.m.
- (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 the event of any change therein.

(SMT. BHARATI DANGRE, J.)