

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

Anticipatory Bail Application No. 3159 of 2024

1. Nazis Iqbal Sayyed

Age: 39 years, Occ: Business,
Residing at C/102, Agrawal Krish Garden,
Patankar Road, Near Shani Mandir,
Nallasopara West, Tal. Vasai, Palghar

2. Mohammad Anwer Shaikh

Age: 58 years, Occ: Business,
Residing at C/701, Sunshine Garden,
Station Road, Nallasopara East.

... Applicants

versus

The State of Maharashtra

Through Senior Police Inspector,
Nallasopara Police Station

... Respondent

Ms Kusum Pandey, a/w. Mr Jitendra Tiwari and Ms Pragati
Mishra, for the applicants.

Mr Amit A Palkar, APP, for the respondent/ State.

Coram: R.N. Laddha, J.

Date: 22 November 2024.

P.C.:

By this application, the applicants seek pre-arrest bail in
connection with CR No.27 of 2024, registered at Nalasopara
Police Station, Palghar, for offences punishable under Sections

406 and 420 read with 34 of the Indian Penal Code, and Section 83 of the Registration Act 1908.

2. The prosecution alleges that the applicants colluded with the co-accused to misappropriate Rs.18,05,555/- by selling the informant a room despite knowing that the premises were already sold to one Mayank and a loan was obtained by him from GIC Housing Finance Ltd.

3. Ms Kusum Pandey, the learned Counsel appearing on behalf of the applicants, contends that the applicants are not the owners of the premises and acted as a mediator to facilitate the transaction. The informant was inducted into the premises in 2010 and has enjoyed its possession since then. The alleged loan was obtained in the year 2023. The learned Counsel, asserting the applicants' innocence, submits that the applicants have attended the concerned police station and cooperated with the investigation. Further, the applicants to show their *bona fides* are ready and willing to deposit Rs.3,30,000/- and Rs.1,20,000/-, respectively, received as commission.

4. Mr Amit Palkar, the learned Additional Public Prosecutor representing the respondent/ State, opposing the request for bail, contends that the offence is serious as the applicants and the co-accused deceived the informant into purchasing the

property. The property was subsequently sold by the co-accused, original owner of the property, to a third-party purchaser. He submits that if the Court is inclined to grant pre-arrest bail to the applicants, appropriate conditions be imposed.

5. This Court has given anxious consideration to the rival contentions and perused the records. From a bare reading of the FIR, it appears that the role attributed to the applicants is to introduce the informant to the property's owner, who accepted the consideration amount from the informant. The applicants appear to be mediators and received a brokerage of Rs.3,30,000/- and 1,20,000/-, respectively. The applicants to show their *bona fides* are ready and willing to deposit the sum received by them. The prosecution's apprehension that the applicants may tamper with the evidence or influence witnesses can be addressed by imposing appropriate conditions. In these circumstances, this Court is inclined to exercise its discretion in favour of the applicants and grant pre-arrest bail. Hence, the following order:

ORDER

- (i) In the event of the applicants' arrest in connection with CR No.27 of 2024, registered at Nalasopara Police Station, Palghar, the

applicants shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount, subject to applicant No.1 depositing Rs.3,30,000/- and applicant No.2 depositing Rs.1,20,000/- before the trial Court within two weeks from the date of this order.

(ii) The applicants shall attend the concerned Police Station as and when required.

(iii) The applicants, themselves or through any other person, shall not indulge in any activity that may tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)