

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3493 OF 2024

Bahadur Nabi Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

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- Mr. Mohd Saeed Asgar Moghul, Advocate for Applicant.
 - Mr. Hitendra J. Dedhia, APP for Respondent – the State of Maharashtra.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 07, 2025

P.C.:

1. Heard Mr. Moghul, learned Advocate for Applicant and Mr. Dedhia, learned APP for Respondent – the State of Maharashtra.

2. Mr. Moghul would submit that the Anticipatory Bail Application is clearly based on mistaken identity of the Applicant when the Complainant has been promised and duped by three specific Accused who are arraigned as Accused Nos.1 to 3 in the crime.

3. He would submit that in the course of investigation, the Investigating Officer unearthed the fact that an amount of Rs.1,23,000/- was received by Applicant through Gpay from one of the Accused after Applicant presented his statement of account. According to Applicant, Rs.56,000/- has already been returned back which was received by the Complaint.

4. He would submit that Applicant is ready and willing to return the balance amount also.

5. The submissions made by Mr. Moghul are clearly documented before Sessions Court also. In so far the balance amount is concerned, Applicant is directed to pay the balance amount to the Complainant directly within a period of two weeks from today. If the said amount is not paid to Complainant then the present order of granting Anticipatory Bail shall stand automatically revoked without recourse to the Court.

6. The present Anticipatory Bail Application therefore allowed in terms of prayer clause (a), however subject to the following terms and conditions:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer at concerned Police Station, as and when called for by the Investigating Officer for investigation;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within one week from today;

- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and
- (v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case.

- 7.** Parties to act on a server copy of this order.
- 8.** Anticipatory Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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