

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.766 OF 2025

Mohammad Naim Shabir Khan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

-
- Mr. Khalid Azmi, Advocate for Applicant.
 - Mr. Sukanta A. Karmakar, APP for Respondent.
-

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 21, 2025

P.C.:

1. Heard Mr. Azmi, learned Advocate for Applicant and Mr. Karmakar, learned APP for Respondent.

2. Mr. Azmi would submit that Applicant is indicted for offences punishable under Sections 420, 465, 467, 468, 471, 504, 506(2) read with Section 34 of the Indian Penal Code, 1860 (for short 'IPC').

3. He would submit that transaction took place between Complainant and sister of Applicant wherein an Agreement was executed between them for purchase of a room in a SRA project. The transaction amount of Rs.15 Lakhs was however received by Applicant in his Bank account on the instructions of his sister. He would submit that sister has expired.

4. Be that as it may, if the money of Complainant has been taken by Applicant, he has to return the same. He cannot take advantage of the transaction document between the Applicant and his sister and plead that recovery has to be made from his sister. He has received the money under the transaction in his own bank account which is admitted by him. Application is filed before me for grant of bail.

5. Mr Azmi, learned Advocate for Applicant shall take appropriate instructions as to how he will be in a position to show his *bonafides* and inform the Court accordingly.

6. In that view of the matter and at the request of Mr. Azmi, list the Bail Application on **07th March, 2025**. To be placed under the caption '**For Directions**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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