

Shabnoor

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

BAIL APPLICATION NO.1297 OF 2025

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Sachin Suresh Yeram

... Applicant

V/s.

State of Maharashtra & Anr.

... Respondents

Mr. Milan Desai a/w Mr. S. R. Sharma & Mr. Rohan Naidu for the applicant.

Ms. Supriya I. Kak, APP for the State – respondent No.1.

Ms. Pawan Mishra for respondent No.2 (Intervener).

Mr. J. B. Kadam, PSI, Nehru Nagar Police Station, Mumbai.

CORAM : AMIT BORKAR, J.

DATED : JULY 1, 2025

P.C.:

1. This is a bail application filed under Section 439 of the Code of Criminal Procedure, 1973. The applicant seeks his release on regular bail in connection with Crime Register No. 156 of 2023, registered with Nehru Nagar Police Station, Mumbai, for offences punishable under Sections 420, 465, 467, 468, and 471 read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution case is that the applicant had falsely represented himself as a person having official authority or influence in the MHADA (Maharashtra Housing and Area

Development Authority) office. By creating such impression, he induced the complainant to believe that he could secure allotment of a flat through MHADA. Relying on this representation, the complainant paid an amount of ₹20 lakh in cash and further transferred ₹40 lakh through RTGS. It is alleged that although the complainant was shown to have been allotted Flat No. 703, later it came to light that the same flat had already been allotted to some other individual. The complainant also discovered that the amounts paid by him were never deposited with MHADA. Based on this, an FIR was lodged, and the applicant was arrested on 1 March 2024. His earlier bail application before the learned Sessions Court was rejected. Hence, the present application is filed.

3. The learned counsel for the applicant submitted that the applicant does not wish to evade liability. On the contrary, he is willing to repay the entire amount to the complainant. In that regard, the applicant has already issued six post-dated cheques of ₹2,66,666/- each, drawn on the State Bank of India, Vikhroli Branch. The cheque numbers are 129122, 129123, 129124, 129125, 129126, and 129127. These cheques have been handed over to the learned Advocate for the complainant during the course of hearing.

4. Further, the wife of the applicant was personally present before this Court and has filed a written undertaking. She has undertaken that all the said cheques shall be honoured upon presentation and has unconditionally accepted the liability along with her husband. She has also undertaken to ensure repayment

jointly and severally. The said undertaking is accepted and taken on record.

5. It is noteworthy that the alleged incident primarily pertains to inducement and misrepresentation in respect of allotment of a flat. The transaction appears to be of a civil-commercial nature, though offences of cheating and forgery are alleged. The trial is likely to take considerable time, and further pre-trial detention of the applicant will not serve any useful purpose, especially when the applicant has expressed willingness to repay the complainant and concrete steps have already been taken in that direction.

6. The applicant has remained in custody since 1 March 2024. The complainant is adequately protected by the undertaking given before this Court. The alleged documents are already part of the record, and custodial interrogation of the applicant is no longer required. There is no indication of the applicant being a flight risk or likely to tamper with the evidence.

7. Considering the totality of circumstances, including the nature of allegations, the fact of ongoing repayment, and the period of incarceration already undergone, I am of the considered opinion that the applicant deserves to be enlarged on bail.

8. In view of the above discussion, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant, shall be released on bail in connection with Crime Register No. 156 of 2023 registered with Nehru

Nagar Police Station, Mumbai for offences under Sections 420, 465, 467, 468, 471 read with Section 34 of IPC, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(d) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

9. The Bail Application is disposed of in above terms.

(AMIT BORKAR, J.)