Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1406 OF 2025

Parvej Dastagir Sheikh … Applicant
V/s.
The State of Maharashtra … Respondent

SHABNOOR AYUB PATHAN
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Date: 2025.06.25 18:51:30 +0530

Mr. Sunil Pandey a/w Raju Mandal for Applicant.

Ms. Pallavi N. Dabholkar, APP for the State – respondent.

Mr. Pawar, Head Constable, Arnala Police Station.

CORAM : AMIT BORKAR, J.

DATED : JUNE 25, 2025

P.C.:

1. The present application is the second bail application filed by the applicant. His earlier bail application came to be rejected by this Court vide order dated 8th July 2022. The applicant now seeks regular bail in connection with Crime Register No.109 of 2022, registered at Arnala Police Station, for the offences punishable under Sections 420, 406, 465, 467 read with 34 of the Indian Penal Code, 1860, and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2. As per the case of the prosecution, the present applicant is accused along with co-accused Nos.1 to 5 of having cheated several persons by making false promises of flat allotments at concessional rates. It is alleged that between February 2022 to March 2023, the accused persons operated from offices at Shop Nos. 104 to 107, Charbhuja Apartment, opposite Disha Hotel at Virar, and induced members of the public to invest by falsely claiming that they had secured successful bids for housing units. It is further alleged that they collected a total amount of Rs. 85,25,000/- from various victims with a promise to return the amount with 12% interest in case the flat was not allotted. However, after collecting the money, the said office was shut down, and the amount was allegedly withdrawn in cash and distributed among accused Nos.1 to 5, including the present applicant.

3. The earlier bail application of the present applicant was rejected by a Coordinate Bench of this Court on 8th July 2024, primarily on the ground that the applicant is involved in similar offences, adopting the same modus operandi. The Court had further observed that the applicant is known to have used different names, including the name Rahul Bhatt, while indulging in such fraudulent activities, and that he appears to be habitually committing offences of like nature.

4. The learned advocate for the applicant has relied upon the judgment of the Supreme Court in *Manish Sisodia v. Directorate of Enforcement*, (2024) AIR (SC) 4053, the decision in *Shaikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari v. State of U.P.* (Criminal Appeal No. 2790 of 2024) dated 18th July 2024, and the order of the Coordinate Bench of this Court in the case of *Nayar Abbas Nasir Hussain Sayyed v. State of Maharashtra* (Criminal Bail

Application No.1693 of 2025) decided on 24th April 2025. It is submitted that since the rejection of the earlier bail application, there has been no substantial progress in the trial, and the applicant is therefore entitled to bail on the ground of delay. It is urged that prolonged incarceration without progress in trial is a denial of the applicant's right to personal liberty under Article 21 of the Constitution of India.

5. On the other hand, the learned APP has opposed the application, submitting that the applicant is accused in five similar offences, and the pattern in all of them is the same. The modus operandi involves contacting prospective flat buyers through their mobile numbers, luring them with offers of housing at 50% of market rates, and upon receiving large sums of money, the accused would shut down their offices and become untraceable. In the present case alone, an amount of Rs.82,25,000/- is alleged to have been fraudulently obtained, and the applicant is alleged to have used a false identity as Rahul Bhat, although his real name is Parvej Dastagir Sheikh. This, according to the prosecution, shows a clear intention to deceive the public and evade law enforcement. It is submitted that if the applicant is released on bail, he is highly likely to repeat such offences, thereby endangering public interest. Hence, rejection of bail is prayed for.

6. Upon considering the material placed on record and after hearing the submissions made by the learned counsel for the applicant and the learned APP, the following points emerge for consideration.

7. It is a matter of record, and not in dispute, that the present application is the second application for bail, and the first bail application has already been rejected by this Court after carefully considering the nature and seriousness of the allegations levelled against the applicant. In the earlier order, this Court has taken note of the specific role of the applicant in a larger conspiracy involving fraudulent inducement and cheating of several individuals, most of whom appear to be ordinary citizens lured by the prospect of owning a house at a concessional rate.

8. The material on record shows that the applicant, along with other co-accused, adopted a deceptive modus operandi wherein they projected themselves as successful bidders or agents capable of arranging flats at substantially lower market rates. Upon such false assurances, huge sums of money were collected from multiple victims over a span of months, and there is no indication of any genuine intention to honour those promises. The documents annexed with the charge-sheet show that huge sums of money were collected from the victims, which were withdrawn in cash and shared among co-accused, thereby making it difficult for the investigating agency to trace the exact flow of funds. Such cases have a larger impact on public confidence, particularly in the context of the real estate sector, where innocent persons often invest their lifelong savings based on trust and representations made by so-called developers or promoters.

9. The gravity of the offence, viewed in the background of systematic and planned deceit, assumes significance. This is not a case of a one-time transaction gone wrong or an isolated breach of trust. On the contrary, the applicant is alleged to be involved in multiple similar cases, indicating that he may be habitually engaging in such criminal conduct. The allegations are not just about breach of a private contract but involve public wrongs affecting multiple persons and public faith in the housing system.

10. What makes the matter more serious is that the applicant has allegedly used false identities, including the name *Rahul Bhatt*, which is not his real name. This conduct cannot be taken lightly. The use of multiple identities points towards a conscious attempt to hide his real identity from the victims and the authorities, thereby impeding investigation, and frustrating efforts of law enforcement agencies to bring him to justice.

11. Though the applicant has urged that there is delay in trial, it is necessary to note that the delay cannot be attributed solely to the prosecution. The magnitude of the fraud, number of complainants, the requirement of collecting evidence from multiple sources, and the tracing of financial transactions contribute to the time taken for completion of trial proceedings. Moreover, there is no material on record to suggest that the applicant is not responsible for the delay.

12. It is also relevant to note that economic offences, particularly those involving cheating and criminal breach of trust, require a stricter approach at the stage of considering bail. The Supreme Court in *Y.S. Jagan Mohan Reddy v. CBI*, (2013) 7 SCC 439, has held that economic offences are grave offences affecting the economy of the country, and courts must be slow in granting bail when the accused is involved in large-scale cheating and diversion of public money.

13. This Court is, therefore, of the view that the applicant has not made out any change in circumstance or any new ground which would justify reconsideration of his bail at this stage. The pattern of deception, use of false identity, and the possibility of reoffending cannot be ignored. The interest of justice and protection of the public at large require denial of bail in such cases.

14. Hence, Bail Application is rejected.

(AMIT BORKAR, J.)