

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 1439 OF 2025

Milind Ramdas Nikam

.. Applicant

Versus

State of Maharashtra

.. Respondent

.....

- Mr. R.A. Shaikh a/w Mr. Arif Khan, Ms. Shilpa Sharma & Mr. Haroon Khan for Applicant
- Ms. Shilpa K. Gajare-Dhumal, APP for Respondent - State

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 9, 2025

P. C.:

1. Heard Mr. Shaikh, learned Advocate for Applicant and Ms. Gajare-Dhumal, learned APP for Respondent - State.

2. Applicant stands indicted for the offences punishable under Section 420 and other allied sections of IPC. He is arrested on 17.10.2024 and since then he is in detention.

3. Mr. Shaikh would submit that the allegation of cheating attributed to the Applicant arises out of documentary evidence which forms the subject matter of the present case and which has been admittedly executed by the First Informant – Complainant. He would submit that Applicant is not a signatory or executor or witness to any of the said documents. He would fairly inform the Court that according to the first informant, Applicant had accompanied him

during the time of execution of the said documents in the office of the Advocate. He would persuade the Court to consider the fact that if such a *prima facie* circumstance is emanating from the record wherein there is no shred of evidence to show that Applicant has participated in execution of any of the documents, *inter alia*, pertaining to sale of several flats executed by the developer to the first informant and the purchasers, considering the restricted role of the Applicant, there is no incriminating material found in the record to show that Applicant was responsible for inducing the purchasers / first informant. One of the submissions made by Mr. Shaikh is that Applicant is not even a beneficiary of a single naya paisa in the entire transaction involving the first informant as also the other purchasers of flats and therefore he would submit that indictment of Applicant be looked at from the facts emanating in the case. He would also submit that other co-accused persons having a far greater role than the present Applicant have already been granted bail.

4. The aforesaid submissions made by Mr. Shaikh are *prima facie* very strong rather they speak in favour of the Applicant for consideration of bail.

5. Learned APP shall consider the above submissions and ascertain the veracity of the same from the record of the case and take appropriate instructions from the concerned IO on the precise role of

Applicant and appraise the Court on the next adjourned date to enable the Court to consider the role of Applicant and the present Bail Application.

6. Stand over to 17th June, 2025.

Amberkar

[MILIND N. JADHAV, J.]

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