

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.2238 OF 2025**

Irfan Yusuf Sayyed
Versus
State of Maharashtra

...Applicant

...Respondent

Mr. Rafid Shaikh i/by M.S. Ahmed, *for the Applicant.*
Ms. Poonam P. Bhosale, *APP for the Respondent - State.*
PI – Pratap Pawar, Nehru Nagar Police Station, present.

CORAM DR. NEELA GOKHALE, J.
DATED: 18TH NOVEMBER 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.124 of 2024 dated 12th October, 2024, registered with the Nehru Nagar Police Station, for the offences punishable under Sections 420, 465, 467, 468, 471 and 406 of the Indian Penal Code, 1860.

2. The facts of the present case, in brief, as discerned from the FIR are that the Applicant had assured the first informant that he would facilitate allotment of a flat in

MHADA Project from the VIP quota for him. He informed the First informant that he would be required to pay Rs.35,00,000/- to him. Out of the said Rs.35,00,000/- it is alleged that, an amount of Rs.9,00,000/- were paid by the first informant to the Applicant. Naturally, the Applicant was unable to facilitate the allotment of the MHADA flat to the First informant. Thus the Applicant siphoned off the money from the First informant under the guise of allotment of flat from the VIP MHADA quota. Hence, the first informant filed a complaint with the police resulting in registration of the present FIR.

3. Mr. Shaikh, learned counsel for the Applicant, submits that the Applicant was arrested on 10th April, 2024, and from the said date, he is in custody. He submits that, charges were framed on 26th July, 2022, but till date no witness has been examined. He also submits that out of an amount alleged to have been taken by him, he has repaid an amount of Rs.3,65,000/- to the First informant, and only

Rs.5,35,0000/- remains to be paid. He further submits that the co-accused namely his wife, is granted anticipatory bail by the Sessions Court. He submits that the amounts were, in fact, received by his wife in her own account and nothing was received by him. He thus, submits that the Applicant be enlarged on bail.

4. Ms. Bhosale, learned APP, representing the State, submits that the offence is serious and as on date an amount of Rs.5,35,000/- remains to be paid by the Applicant to the First informant. It is a clear case of cheating and criminal breach of trust, as the Applicant induced the First informant to part with his money, promising him allotment of a flat from MHADA project, which he was not authorized to do. She thus submits that the bail application be rejected.

5. I have heard learned counsels for the parties and perused the record with their assistance.

6. Admittedly, the Applicant is in custody from 10th April, 2024, and till date no evidence in the trial has been recorded. His wife, who actually received the amount in her bank account from the First informant, is set free by the Sessions Court in a plea to grant anticipatory bail. The Applicant suffers from severe diabetes and there is an ulcer on his left foot, which needs urgent surgery. Considering the long incarceration of the Applicant; the fact that there are no antecedents against him; his wife who accepted the amount has been released on anticipatory bail and his medical condition, I am inclined to enlarge the Applicant on bail. It is accordingly ordered as under:-

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

- iii) The Applicant shall also attend the Police Station concerned once in a month between 11:00 a.m. to 02:00 p.m.;
- iv) If the Applicant has not deposited his passport, if any, the Applicant shall deposit the same with the Police Station concerned;
- v) The Applicant shall not leave India, without the permission of the Trial Court;
- vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;
- vii) The Applicant shall inform his latest place of residence and contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the Police Station concerned;
- viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

7. Application is allowed in the above terms and is accordingly disposed of.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(DR. NEELA GOKHALE, J)