

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2969 of 2025**

Abdul Kaium Molla	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Premlal Krishnan a/w Siddharth Pimpale and Prashant
Bothre i/by Pan India Legal Services LLP, *for the
Applicant.*

Ms. Manisha R. Tidke, *APP for the Respondent - State.*

Mr. Mohammed Zain Khan a/w Danish Ansari i/by One Legal,
for the Intervenor.

PSI – Nitin Palande, Trombay Police Station, present.

CORAM Dr. Neela Gokhale, J.
DATED: 15th October 2025

PC:-

1. By this Application, the Applicant seeks his enlargement on bail in connection with C.R.No.591 of 2023 dated 24th December, 2023, registered with the Trombay Police Station, for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code, 1860 ('IPC'). The Applicant was arrested on 15th October, 2024.

2. The facts of the present case, in brief, are that the Applicant was the erstwhile Chairman and Mr.Mohd. Hassan Mohd. Hanif Shaikh, the Secretary of the Gokuldharm Co-operative Housing Society at the time of commission of the offence. It is the allegation against the Applicant that he in collusion with the co-accused, misused their post and without the consent of the office bearers or the members of the Society withdrew an amount of Rs.46,24,154/- from the bank account of the Society. They used the said amount for their personal purposes and cheated the members of the Society. On this ground, a member of the Society made a complaint, pursuant to which the FIR was registered.

3. The Applicant made as many as 7 Bail Applications, however, the same were rejected. Thereafter, he surrendered before the Trombay Police Station on 15th October, 2024 and from that date, he is in custody. He made Bail Applications before filing of the charge-sheet and 4 after filing of the charge-sheet. All the Bail Applications were

rejected. The recent Bail Application was rejected on 2nd July, 2025. Hence, the Applicant has made the present Bail Application for the reliefs as prayed.

4. Mr. Premlal Krishnan, learned counsel for the Applicant, submits that he has returned an amount of Rs.3,00,000/- to the treasurer of the Society. He also submits that the money was withdrawn and misused by the co-accused i.e. the Secretary of the Society. He submits that the Applicant surrendered before the Trombay Police Station, although he is shown as absconding. He further submits that there is no material on record to indicate that he has committed the said offence. On this ground, he prays that the Applicant be released on bail.

5. Ms.Tidke, learned APP representing the State, submits that the co-accused is absconding and if the present Applicant is also released on bail, it is likely that he will also abscond as he is resident of West Bengal. She further submits

that the Society is under the SRA Scheme and there are as many as 112 members of the Society and all these members have suffered on account of the Applicant and co-accused siphoning off the money which was meant for the legitimate purpose of the Society. Thus, she prays that the Application be rejected.

6. Mr.Khan, learned counsel appearing for the complainant / Intervenor, submits that the offence is serious and 112 members have suffered on account of the Applicant and co-accused siphoning off money. He also supports the contention of Ms.Tidke that the Applicant is likely to abscond if released on bail. It is a grave and serious economic offence affecting the members of society at large. He however, submits that the Applicant has attempted as many as six Bail Applications, wherein all Bail Applications are rejected. Hence, he submits that the Bail Application be rejected.

7. I have heard learned counsels for the respective parties and perused the record of the case with their assistance.

8. There are two receipts of Rs.1,72,000/- and Rs.1,28,000/- respectively given by the Applicant to Lalta Prajapati, who has accepted the money in his capacity as the Treasurer of the Society. Said Lalta Prajapati is not accused in the present offence. On this, Mr.Khan, learned counsel for the Intervenor submits that the money paid by the Applicant to Lalta Prajapati, is not been credited in the account of the Society. It was an independent transaction *inter se* between the Applicant and the Treasurer of the Society. Be that as it may, Mr. Premlal Krishnan submits, on instructions, that the Applicant undertakes to deposit an amount of Rs.3,00,000/- in the account of the Society. The Undertaking is accepted as an undertaking given to the Court. The deposit of Rs.3,00,000/- is without prejudice to his other rights which he is entitled to raise before the Trial Court. The Applicant is in

custody from 15th October, 2024, from the date on which he has surrendered on his own before the Investigating Officer. Charges are not yet framed. It is unlikely that the trial will conclude in the foreseeable future. In these circumstances, I am inclined to grant bail to the Applicant on the following conditions:-

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. till the charges are framed;

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.

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

10. 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)