

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLN. NO. 252 OF 2026

Firoj Jafar Ali Khan

... Applicant

Versus

The State Of Maharashtra And Anr.

... Respondents

Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2026.06.10
14:18:05
+0530

Mr. Shivamsinh Deshmukh (Through VC) a/w Mr. Tejas C. Dalvi, for the Applicant.

Mr. P. P. Deokar, A.P.P. for the Respondent-State.

Mr. Rishikesh Ajit Mohite, for Respondent No.2 – Complainant.

H.C. I. A. Mulani, Panchgani Police Station, present.

Coram : MEHROZ K. PATHAN, J.

Date : 8th June 2026.

PER COURT :

1. Heard learned counsel for the Applicant, learned APP for the Respondent-State and learned counsel for the Respondent No.2.
2. The Applicant has approached this Court seeking a regular bail in connection with C. R. No.27 of 2009 registered with Panchgani Police Station, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC").

3. The case of the prosecution is that the prosecution has alleged that first informant – Najma Shaul Hameed Sayed got acquainted with the accused in the month of March, 1992. All the accused told her that they have formed a partnership constructions company namely, “Jilani Group of Construction Co. Panchgani” and they have started to construct bungalows at Plateau View Housing Complex over the land C.T.S. No.376 & 390 at Panchgani. The accused insisted the first informant to purchase the bungalow No.11. Thereafter, she selected bungalow No.11 and expressed her willingness to purchase it. For finalization of the said transaction, she paid Rs.36,00,000/- towards consideration amount through cheques to the accused Nos.1 and 2. In all, she issued six cheques in the name of construction Company namely, “Jilani Group of Construction Co. Panchgani”, belongs to accused. On 12.07.1995, accused persons executed agreement for sale in favour of first informant – Najama. They assured her that they will hand over possession of property and Bungalow on or before 01.01.1998. But accused failed to do so. It is further alleged that, upon cancellation of the said agreement the Complainant asked for the increased value of the said property which was 96 lacs, upon which the Accused No.1 agreed to repay the said amount, but due to the incapacity to repay at once the Accused No.1 issued six cheques worth Rs.55,00,000/-. It is also alleged that cheques issued by Accused No.1 for repayment of the amount were dishonored. Accused No.1 Moin Heidar

Bijalikhan left India and went to America, before leaving India, Accused No.1 sold out the said property to one Pradip Jain. Since then, Pradip Jain was in possession of the said property. The offence was thus registered on the aforesaid accusations.

4. Learned counsel for the Applicant submits that the Applicant has issued a Demand Draft of Rs.16,00,000/- to the present Complainant. The copy of the same is tendered and produced before the Court, the same is taken on record and marked as “X” for identification.

Learned counsel further submits that the other two accused have already been convicted by the learned trial Court vide judgment dated 13th December, 2018 passed by the learned J.M.F.C., Mahabaleshwar in R.C.C. No. 295/2010. The Applicant has surrendered in pursuance to the proclamation and non bailable warrant issued by the learned trial Court on 31/10/2025 and since, then he is behind bar. The Applicant is a resident of Madhya Pradesh and is not having any criminal antecedents to his discredit. The Applicant is ready to abide by any conditions that may be imposed by this Court. The Applicant, therefore, may be released on regular bail.

5. As against the learned APP strongly opposes the bail application. The learned APP submits that the Applicant was absconding after he being released by the learned trial Court in the year 2011. After period of 14 years, the Applicant has surrendered himself only in pursuance to the issuance of

proclamation by the learned trial Court. Due to the abscondence of the present Applicant, the trial Court has separated the trial of the Applicant as well as the other co-accused. The other two accused have already been convicted by the judgment dated 13th December, 2018 in R.C.C. No.295/2010 passed by the learned trial Court. There is every likelihood that the Applicant may also be convicted as a clear case of cheating is made out against the all the accused persons. The Applicant if released on bail, there is likelihood that the Applicant may again flee away from the ends of justice and may not be available for the trial. The application may therefore be rejected.

6. Learned counsel for the Complainant appearing before the Court submits upon instructions that the Complainant do not have any objection for release of the Applicant on regular bail, however the Applicant may be imposed with the strict conditions of attending the trial Court and also to take the remaining balance pending with him. The learned counsel further submits that even though huge amount have been invested by the Complainant way back in the year 1995, the Complainant has not received any amount so invested by them and had also not been handed over the possession of bungalow or property of equal price. Though, the Complainant do not have any objection for release of the Applicant on regular bail, the Applicant may be imposed with strict conditions.

7. I have gone through the charge-sheet made available by the learned

APP as well as the judgment of conviction passed in R.C.C. No.295/2010. Learned counsel for the Applicant has tendered a photo copy of the demand draft of an amount of Rs.16,00,000/- handed over by the Applicant to the Complainant. Taking into consideration, the facts that the Applicant has shown his *bona fides* by paying back an amount of Rs.16,00,000/- by way of demand draft, I am inclined to release the Applicant however, upon certain conditions, hence the following order :-

ORDER

I. The bail application is allowed.

II. The Applicant - Firoj Jafar Ali Khan be released on bail, on furnishing PR. Bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) with one local solvent surety, in the like amount, in connection with C. R. No.27 of 2009 registered with Panchgani Police Station, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860 (for short, "IPC").

A) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.

B) The Applicant shall submit his Aadhar and PAN Card to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.

C) A single violation of the conditions would entitle the prosecution to seek cancellation of the bail of the Applicant.

D) The Applicant shall deposit the passport and shall not leave the Country without prior permission of the trial Court.

8. The Applicant shall attend the trial Court on each and every date so fixed by the learned trial Court unless exempted by the learned trial Court. Since, the other two accused have already been convicted vide judgment dated 13th December, 2018 in R.C.C. No.295/2010, the learned trial Court is requested to make an endeavor to complete the trial of the present Applicant which is already separated within a stipulated period of six months from the date of receipt of this order passed by this Court.

9. Needless to state that the observations rendered herein are to the extent of this application and the trial Court shall not be influenced by the same.

10. The Application is allowed in the above terms and stands disposed of.

[MEHROZ K. PATHAN, J.]