

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2515 OF 2024

Harun Gaffar Rajput	...Applicant
V/s.	
The State of Maharashtra & Anr.	...Respondents

**WITH
INTERIM APPLICATION NO. 4171 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.2515 OF 2024**

Munavar Abid Khan	 Intervenor
<u>In the matter between :-</u>	
Harun Gaffar Rajput	...Applicant
V/s.	
The State of Maharashtra & Anr.	...Respondents

Mr. Priyal Sarda a/w. Adv. J.V. Tare-Patil and T. Vinod Raman for the Applicant in ABA/2515/2024.

Mr. Y.M. Nakhwa, APP for the Respondent – State.

Adv. Shadab Khopekhar (through VC) for Respondent No.3 and for the Applicant in IA/4171/2024.

Mr. M. M. Khan, PSI, Nayanagar Police Station, present.

CORAM : SHYAM C. CHANDAK, J.

DATED : 9th APRIL, 2026

P.C. :-

. The Applicant is seeking pre-arrest bail in Cr.No.I-798/2022 registered with Nayanagar Police Station, Mira-Bhayander, Vasai-Virar Police Commissionerate for the offences punishable under Sections 420, 465, 467 and 471 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.

2) Heard learned Counsel for the Applicant, learned APP for the Respondent-State and learned Counsel for the Respondent No.3. Perused the record.

3) As per the text of the FIR, the Applicant and the co-accused persons have cheated the informant Munavar A. Khan and others investors by falsely promising them that the accused would get them cheaper tenements in MHADA building scheme and induced them to deliver the accused total Rs.30,94,000/-. Additionally, the accused persons forged the KYC document/s of the investors for the purpose of the cheating. Therefore, on the complaint dated 08/11/2022 filed by the informant Munavar A. Khan, the aforesaid crime came to be registered.

4) Applicant's Criminal Bail Application No.4233 of 2022 seeking Anticipatory Bail came to be rejected by the Sessions Court at Thane *vide* Order dated 22/12/2022.

5) Mr. Sarda, learned Counsel for the Applicant submitted that during pendency of this Application, the parties have arrived at an amicable settlement. Pursuant to said settlement, the investors' money has been returned and now, they have no grievance against the Applicant and his co-accused. An Affidavit is filed by the informant to that effect. This fact is recorded in the bail Order of the co-accused Ahsan Rajput, who is brother of the Applicant *vide* Order dated 13/06/2025 below Exhibit-8 in Special Case (MPID) No.433/2023.

5.1) Mr. Sarda submitted that, the Applicant is ready to attend before the Investigating Officer for the purpose of investigation. The Applicant is not likely to abscond and tamper with the prosecution evidence. Therefore, bail may be granted.

6) Mr. Nakhwa, learned APP opposed the Application and submitted that the Applicant and his co-accused have cheated many investors and for that purpose, they have forged the documents of their identity. Custodial interrogation of the Applicant is necessary to recover

the incriminating material. The offence is serious. Therefore, the Applicant is not entitled for bail.

7) It is a matter of fact that, after completion of investigation, charge-sheet is filed against all the accused persons including the Applicant. The learned Counsel for the Applicant submitted that after grant of interim relief, the Applicant has co-operated with the investigation. The Investigating Officer has stated that the custodial interrogation of the Applicant is not necessary. This is fortified by the fact of filing of the charge-sheet without arrest of the Applicant. The bail order of the co-accused Ahsan Rajput recorded that, the accused persons had accepted Rs.1,09,42,000/- from 27 witnesses. Out of it, total amount of Rs.1,01,55,000/- has been returned to 17 investors. The remaining amount is disputed. However, Mr. Sarda, the learned Counsel for the Applicant, on instructions, stated that the Applicant undertakes to return the amount of the remaining investors, if proof is shown that they had invested their money with the accused persons. The said statement is accepted.

7.1) In view of the said statement, the learned Counsel for Respondent No.3 has no objection for grant of bail.

8) The Applicant is not likely to abscond and tamper with the prosecution evidence. The trial will take its own time. Therefore, rejecting the Anticipatory Bail and remanding the Applicant to judicial custody for the sake of trial, will not serve any purpose.

8.1) In view thereof, the Applicant has made out a case for grant of pre-arrest bail. Hence, the following Order :-

:: ORDER ::

- (a) In the event of the arrest of the Applicant – Harun Gaffar Rajput in connection with C.R.No.I-798/2022 registered with

Nayanagar Police Station, Mira-Bhayander, Vasai-Virar Police Commissionerate for the offences punishable under Sections 420, 465, 467 and 471 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the MPID Act, he shall be released on bail, on furnishing P.R. bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.

- (b) The Applicant shall attend before the Investigating Officer as and when called for.
 - (c) The Applicant shall regularly attend before the trial Court and co-operate for hearing and disposal of the said cases as will be required by the trial Court.
 - (d) The Applicant shall not contact and influence the prosecution witnesses in any manner and shall not tamper with prosecution evidence.
 - (e) The Applicant shall not commit any offence.
 - (f) The Applicant shall furnish his address and contact details to the Police Station and the trial Court and a change therein, if any.
- 9) The Anticipatory Bail Application is disposed of.
- 10) In view of the disposal of Anticipatory Bail Application No.2515 of 2024, the Interim Application No.4171 of 2024 filed by the Complainant does not survive and the same is disposed of.

(SHYAM C. CHANDAK, J.)