

MHSN030013832025 	<u>R.C.C No. 280/2025</u> State of Maharashtra Vs. Mohammad Ramjan Shamsher Khan & Ors.
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Order below Bail application Exh.9

1. This is an bail application filed by accused No.1 Mohammad Ramjan Shamsher Khan under Section 480 of B.N.S.S. in connection with crime no. 45/2021 registered with Sangli City Police Station for the offence punishable under section 420 r/w. 34 of IPC.

2. The learned advocate for accused contended that present F.I.R. has filed on 03/02/2019 at Sangli City Police Station for the offence p/u/s. 420 r/w. 34 of I.P.C. against accused no. 1 and 2. Thereafter accused no.1 and 2 have filed an anticipatory bail application before Hon'ble Sessions Court, Sangli which was rejected on 06/05/2019. Hence, accused No.1 and 2 filed anticipatory bail application before Hon'ble High Court of Bombay which was again rejected on 23/01/2023. Since then, near about two years accused no.1 was absconded till he got arrested by Sangli City police on 13/02/2025 and then accused was remanded to police custody till 18/02/2025. Thereafter, accused no.1 was send to magistral custody. Charge-sheet is filed on record. He has been falsely implicated in the present crime. Bail cannot be rejected on the ground of huge amount involved. He is ready to abide all the condition of bail. Therefore, prayed to bail.

3. Learned APP S.M. Pakhali has filed say on application itself and contended that, the offence is non bailable and serious in nature. Informant and pilgrims had no any reasons to express their will and wish to book the tour through Jahan International Tours and Travels, Nashik. However, applicant assured informant and pilgrims that they would arrange

for and send informant and pilgrims to Umrah and accordingly received heavy funds of 180 pilgrims. The applicant could not kept their promise and have cheated in appropriating huge amount and therefore he prayed present application be rejected.

4. Ld. Advocate for accused relied upon the following case law. *Rudrakumar Varma V/s. State of NCT of Delhi, bail application No.4375/2024*. Wherein Hon'ble Delhi High Court held that as for the recovery of proceeds, it is noted that complainant company has not filed any civil suit seeking recovery of the amount of Rs.70,00,000/- and non recovery during criminal proceeding cannot be ground for rejecting bail. I have gone through the above bail application. In the present case applicant has received huge amount from the complainant and pilgrims. Further more accused No.2 is abscond since 2019. Therefore, facts in the present case are different than above bail application. Hence, this case law is not helpful to the accused.

5. Prior to the filing of charge-sheet, accused no. 1 move the anticipatory bail application which was rejected. Now, investigation has been completed and Charge-sheet is filed on record. Perused the F.I.R. It reveals that informant is in the business of tours and travels and he came with the contact of the applicant who are also in the business of tours and travels in the name of Ramjan Raza Tours and Travels. Informant book certain seats through applicant and deposited certain amount in the bank account of the accused no.2. The applicant promise to sent the pilgrims for Umrah on 25/01/2019, but failed to do so. The applicant have received total amount of Rs. 45,08,000/- for 180 Umrah, pilgrims but failed to sent them for Umrah and thus have cheated them. It appears that huge amount have been transferred to applicant by informant for around 180 pilgrims. The applicant did not keep his promise. It is further appears that informant

submitted all necessary papers alongwith passport of those pilgrims, but the applicant did nothing. Considering overall circumstances and having seen the time to sent the pilgrims to Umrah has been over, it reveals that the applicant has prima facie cheated the informant and pilgrims with a view of appropriating huge amount. The economic offence having deep routed conspiracies and involved huge loss of public funds needs to be view seriously and consider as a grave offence affecting the economy of the Country. The nature of crime committed is serious. In the present case, charge-sheet has been filed on the record. However, accused no.2 was absconded since 2019. Considering the nature of offence, facts and circumstances, it is not proper to release the accused No.1 on bail. Hence, following order.

ORDER

1. The application is rejected.

Sangli
Dt. 06/05/2025

(Smt. S.S.Jadhav)
Judicial Magistrate First class,
Sangli.