

Parvez Abdul Hamid Khan and Others ...Applicants
vs.
The State of Maharashtra ...Respondent

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 17, 2023

1. Heard the learned counsel for the applicants and the learned APP for the State.
2. Ms. Shalin Pathan, the learned counsel, submits that she has instruction to appear on behalf of the first informant and seeks time to file an application for intervention.
3. The applicants shall implead the first informant as party respondent No. 2 to this application.
4. Necessary amendment be carried out forthwith.
5. Issue notice to the respondents.
6. Learned APP waives notice for respondent No. 1.
7. The learned counsel waives notice for respondent No. 2.
8. The indictment against the applicants is that the applicants

had initially induced the first informant to part with the amount of Rs. 5 lakhs by making a false representation that he would allot another plot to the first informant at Pathare Wadi, Malvani, Malad (w). Later on, the applicant represented to the first informant that there was an issue about the said land and instead the applicant would sale a land situated at Survey No. 156, Hissa No. 1, near Nakoda company gate No. 10, Malvani which was in the name of the applicants and other three persons. The applicants had allegedly executed general Power of Attorney, Sale Agreement and affidavit and also passed receipt to acknowledge the receipt of a sum of Rs. 5 lakhs. The applicants neither transferred the land nor returned the said amount. The cheques drawn by the applicants towards refund of the said amount were dishonored in the year 2020.

9. Prima facie, it appears that the transactions were during the period 2017 – 2020. The cheques were dishonored in the year 2020. The question as to whether the intention of the applicants was dishonest since inception of the transaction or it was a case of failure to perform the promise would warrant consideration. I am, therefore, inclined to grant interim protection while directing the applicants to join in the investigation.

10. In the event of arrest in C.R. No.1151 of 2023 registered with Malvani police station, the applicants be released on bail on

furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount, each

11. The applicants shall cooperate with the investigation and attend Malvani police station, on 25th, 26th and 27th October, 2023 in between 10 am to 1 pm till the next date.

12. The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

Stand over to 28th November, 2023.

(N. J. JAMADAR, J.)