

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2831 OF 2015.

BALAJI PANDURANG LANGEWAD AND ANOTHER.
VERSUS
THE STATE OF MAHARASHTRA

Appearance =>

Mr. Anand V. Indrale- Patil, Advocate for the Applicant.

Mr. A.S. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 26th June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of regular bail in connection with CR No.152/2013 registered with Police Station, Mukhed, District – Nanded for the offences punishable under Section/s 420, 294, 506 read with 34 of the Indian Penal Code and under Section/s 3 and 4 of the Mumbai Lottery Act, 1959.

[2] Heard Mr. Anand V. Indrale- Patil, learned counsel for the Applicants and Mr. A.S. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Vaijinath Shivmurti Tawarge. First Informant became Agent of Janhavi Enterprises and Home Decor Private Limited, Group “B” Biyani Complex, Yenkatesh-Nagar, Nanded, District – Nanded. Alongwith him, he made 250 persons as

members. According to the First Information Report and according to the prosecution case, the said Company started lucky draw scheme. According to the said scheme, each member has to deposit six installments of Rs.1000/- and 24 installments of Rs.500/- Each member was assured to receive a gift which includes Car, Motorcycle, Laptop and other luxurious items. In the First Information Report, it is stated that, Sanjay Yellamwad is in control of said Scheme.

[4] Present Applicants were arrested on 8th May, 2015 and they were in Police Custody Remand till 12th May, 2015.

[5] Mr. A.S. Shinde, learned Additional Public Prosecutor is unable to state anything against the present Applicants except the fact that they are the Directors of the said Janhavi Enterprises and Home Décor Private Limited.

[4] First Informant himself pointed out to the learned trial court by filing an affidavit that present Applicants were not in control of the Scheme; but Sanjay Yallamwad was in the control of the entire scheme. Said Sanjay was arrested however, since during the stipulated period, charge sheet was not filed in the court of law, against the said Sanjay, he was released on bail under Section 167(2) of the Code of Criminal Procedure, by the learned Magistrate.

[5] In view of the fact that there is no material against the present Applicants, at least prima faice, in the investigation papers and the Applicants are languishing in jail since 8th May, 2015, their custodial presence is not required. That leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1 – Balaji Pandurang Langewad and Applicant No.2 – Vishal Prakash Shinde shall be released on regular bail on they executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] each with one solvent surety in the like amount, in connection with CR No.152/2013 registered with Police Station, Mukhed, District – Nanded for the offences punishable under Section/s 420, 294, 506 read with 34 of the Indian Penal Code and under Section/s 3 and 4 of the Mumbai Lottery Act, 1959.

(iii) Bail before trial court.

(iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)