

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Criminal Application [BA] No.159 of 2015**

(Shirish Shaligram Sadafale

vs.

The State of Maharashtra, through P.S.O. Chandrapur [City], Chandrapur)

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

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Court's or Judge's Orders

**CORAM : PRASANNA B. VARALE, J.**

**DATE : APRIL 9, 2015.**

Heard Mr. S.A. Chaudhari, the learned Counsel for  
the applicant.

The applicant is before this Court seeking his  
enlargement on bail in connection with Crime No.218/2014,  
registered at Police Station Chandrapur (City) for the offences  
punishable under Sections 420, 409 read with Section 34 of  
the Indian Penal Code and under Section 3 of the  
Maharashtra Protection of Interest of Depositors Act  
(hereinafter referred to as 'the MPID Act' for the sake of  
brevity).

The learned Counsel for the applicant, by inviting  
my attention to the report lodged at the instance of one  
Shailesh Barde, submits that the allegations are against one  
Suchitkumar Ramteke, who gave false assurances to the  
prospective purchasers by arranging some property shows. He

further submits that it is alleged in the report that an agricultural land of the present applicant was shown by the main accused to the prospective purchasers. He also submits that there is nothing in the report that the applicant accepted any amount through the purchasers or played any role of giving assurances to the purchasers. He then submits that Mr. Ramteke, against whom the major allegations are there in the report, is already enlarged on bail by this Court in Criminal Application [BA] No.88 of 2015. He further submits that bare perusal of the report would show that neither of any offence alleged in the report under Indian Penal Code or the MPID Act can be attracted against the applicant. He also submits that the applicant was arrested on 14/08/2014 and since then he is behind the bars. The learned Counsel, therefore, prays for enlargement of the applicant on bail.

Mr. S.S. Doifode, the learned A.P.P. vehemently opposes the application and relies on the reply filed by the State. The reply reveals that in the investigation, it was revealed that the accused promised the complainant and other persons to refund double the amount deposited by them with interest. A this representation was a false representation, Section 3 of the MPID Act is added in the charge. It is stated in the reply that an invitation card was published by the

accused persons and the mother of the present applicant inaugurated the said function.

On perusal of the report, it clearly reveals that even the complainant states a very limited role of the present applicant that too the main accused had shown the agricultural field of this applicant to the prospective purchasers. It is also not in dispute that insofar as the main allegations are concerned, they are against one Mr. Ramteke and Mr. Ramteke is already enlarged on bail.

Taking into consideration the above referred facts, in my opinion, the learned Counsel for the applicant has made out a case for enlargement of the applicant on bail. The apprehension of the prosecution can be taken care of by imposing certain conditions on the applicant.

In the result, the application is allowed. The applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two solvent sureties in the like amount on the following conditions.

- i. The applicant to attend Police Station Chandrapur (City) on every second and forth Sunday of the month from 09:00 a.m. to 12:00 p.m. and maintain a diary of his attendance to the police station duly countersigned

by the Investigating Officer or the Police Station Officer, till the trial commences.

- ii. The applicant shall not tamper with the evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.
- iii. The applicant to submit his residential address and contact numbers, such as phone/mobiles numbers, to the investigating agency or in case of change.
- iv. In case the applicant is moving out of the area of Police Station Chandrapur (City), he shall take permission and inform the concerned Police Station about his visit to other place.

In case of any breach of the conditions by the applicant, the State would be at liberty to move this Court.

Needless to say that these are the observations of the Court while deciding the present bail application and the learned Sessions Judge may not be influenced by these observations while conducting the trial.

The application is disposed of as such.

**JUDGE**