

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1770 OF 2017**

Shri Santosh Nathuram Ballal

Applicant

Versus

The State of Maharashtra

Respondent

Ms.Archana Khan, for the applicant.

Ms.Veera Shinde,APP, for the State.

CORAM : SMT. SADHANA S.JADHAV, J.

DATE : 30th January, 2018.

P.C. :

1. This is a subsequent application. The earlier application filed by the applicant was rejected on merits by an order dated 8.2.2017.
2. The learned counsel for the applicant submits that subsequently the investigating agency has filed a supplementary charge-sheet against the co-accused Nilesh Nirbhavane. It is submitted that the account statement of Nilesh Nirbhavane is placed on record in the supplementary charge-sheet which shows that the present applicant had invested Rs.25,000/- on 17.10.2013. The learned counsel for the applicant submits that the supplementary charge-sheet does not include the account statement of the present applicant and, therefore, according to the learned counsel, there is no material to show that there was cash flow in favour of the

present applicant and, therefore, the applicant deserves to be enlarged on bail.

3. The learned APP submits that the statements of the investors would clearly indicate that they have entered into agreements along with the present applicant and Nilesh Nirbhavane. In the course of investigation, the Shops Act licence, which was seized from the house of Nilesh Nirbhavane, stands in the name of the present applicant. In fact the investigation papers also show that way back in 2013, the agreements were executed by the present applicant. According to the learned counsel for the applicant, the signatures on the said agreements purportedly shown to have been signed by the present applicant are disputed. All these aspects would be considered at the time of trial in the course of recording substantive evidence.

4. The learned APP submits that the disputed land on which the purported scheme was to be raised stands in the name of the Government. Hence, there is no reason to take a different view from the order dated 8.2.2017. Hence, the application stands rejected.

(SMT. SADHANA S.JADHAV, J.)1