

SAS

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

ANTICIPATORY BAIL APPLICATION NO.2041 OF 2017

ew

1. Shailesh Ramesh Auti,
2. Amit @ Girish Ramesh Auti,
3. Santosh Chandu Galphade, ..Applicants.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Mr.Kuldeep Patil i/b. Mr.Prashant Hagare for the applicants.

Mr.S.S.Hulke, APP for the respondent-State.

Mr.S.B.Kalel for the intervenor.

CORAM : NITIN W. SAMBRE, J.

DATE : FEBRUARY 6, 2019

P.C.:-

Heard learned counsel for the applicant and learned
APP for the State.

2. In crime No.213/2017 for offence punishable under
sections 420, 468, 120B read with 34 of the Indian Penal Code
registered with Mhaswad police station, District Satara, the
applicants are seeking pre-arrest bail.

3. It is the case of the applicants that out of the amount

which is alleged to have been extracted was already returned to the extent of Rs.9 lakhs. Learned counsel for the applicant has tried to draw attention of this Court to demonstrate from the documents on record that It was a usual commercial transaction.

4. Learned APP opposed the bail on the ground that there are similar antecedents against the applicants.

5. There is sufficient material on record to infer the involvement of the applicants in the crime in question wherein the applicants assured the complainant and other persons of providing employment as a Probationary Officer with the financial institutions. The applicants have accepted illegal consideration with false promise of providing employment to educated unemployed. Considering the nature of offence, same has large reaching ramification over the social and financial structure of the society. Hence the application stands rejected to the extent of applicant Nos.1 and 2.

6. So far as prayer of applicant No.3 is concerned, there is hardly any material to infer his *prima facie* involvement. There is no accusation against applicant No.3 in the F.I.R. in the present crime. That being so, applicant No.3 is entitled to be released on

pre-arrest bail. Hence the order :-

- i) Application in respect of the applicants (1) Shailesh Ramesh Auti and (2) Amit @ Girish Ramesh Auti stands rejected;
- ii) In the event of arrest in Crime No.213/2017 for offence punishable under sections 420, 468, 120B read with 34 of the Indian Penal Code registered with Mhaswad police station, District Satara, applicant No.3 Santosh Chandu Galphade be released on bail on his executing P.R. bond of Rs.25,000/- with one or more sureties in the like amount;
- iii) The applicant shall attend the Investigating officer as and when directed;
- iv) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- v) The applicant shall co-operate with the investigating agency;
- vi) The amount deposited by the applicants in this Court be handed over to the investigating officer to enable him to deposit the same in the crime in question;
- vii) The application stands disposed of in above terms.

(NITIN W. SAMBRE, J.)