

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 BAIL APPLICATION NO. 1375 OF 2020

1. GANESHKUMAR S/O KAILASCHANDRA KEWAT
2. UMESHKUMAR S/O JAGDISH GAUR
3. SHRIKANT S/O DEVKISANJIT MEENA
4. MANSINGH S/O RAMDAYAL GUJAR
VERSUS
THE STATE OF MAHARASHTRA

WITH
BAIL APPLICATION NO. 1404 OF 2020

HONEY S/O MANGAL TOTALA
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants in BA/1375/2020 : Mr. Gore
Ravindra Vitthal

Advocate for Applicant in BA/1404/2020 : Mr. R. R. Kazi
APP for Respondent-State : Mr. A. A. Jagatkar

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CORAM : V. K. JADHAV, J.
DATED : 21ST DECEMBER, 2020

PER COURT :-

1. I have heard learned counsel for the applicants in both the applications. Learned counsel for the applicants, on instructions, seek leave to withdraw Bail Application No. 1404 of 2020 filed by HONEY S/O MANGAL TOTALA, so also the application of applicant no. 1 GANESHKUMAR S/O

vre/-

KAILASCHANDRA KEWAT in Bail Application No. 1375 of 2020 with liberty to the applicants to file an application for regular bail before the courts below after filing of the charge sheet.

2. Leave granted. Bail Application No. 1404 of 2020, so also the application of applicant no.1 GANESHKUMAR S/O KAILASCHANDRA KEWAT in Bail Application No. 1375 of 2020 is disposed off as withdrawn with liberty to the applicants to file an application for regular bail before the courts below after filing of the charge sheet.

3. So far as the amount deposited before this Court is concerned, the same shall be transferred to the trial court and upon filing an application for regular bail as per the liberty granted by this Court, the courts below may consider this aspect while considering the applications for regular bail.

vre/-

4. Applicant Nos. 2 to 4 in Bail Application No. 1375 of 2020 are seeking regular bail in connection with Crime No. 586 of 2020 registered with Taluka Jalna Police Station, District Jalna for the offence punishable under Sections 419 and 420 of IPC and under Sections 66c and 66d of the Information Technology (Amendment) Act, 2008. Their application with similar prayer bearing Criminal Misc. Petition (Bail) No. 1567 of 2020 came to be rejected by the Additional Sessions Judge-3, Jalna vide order dated 10.11.2020.

5. Learned counsel for the applicants submits that neither the names of applicant nos. 2 to 4 are mentioned in the FIR nor any incriminating material has been revealed during investigation against them. Learned counsel submits that the applicants are having a fixed place of residence and the documents i.e. the Aadhar Cards of all the three applicants are produced on record. Learned counsel submits that there is no criminal history and they have been arrested in connection with the present crime merely on suspicion.

vre/-

6. Learned APP has strongly resisted the application of applicant nos. 2, 3 and 4 in Bail Application No. 1375 of 2020 on the ground that though their names are not mentioned in the FIR, however, as per the statements of witnesses, co-accused Ganeshkumar and Honey Mangal Totala have prepared a fake website and on the basis of the same, lured the investors and collected huge amount from them. So far as the present applicant nos. 2, 3 and 4 are concerned, it has been revealed during investigation that they have tried to convince the prospective investors to deposit money in the trading company known as Money Growth Solution Trading Company. The investigation is still in progress. The applicant nos. 2, 3 and 4 may not be released on bail.

7. On going through the allegations made in the complaint and on perusal of the investigation papers it appears that even though the crime came to be registered in the month of October 2020 and the applicants came to be arrested in connection with the present crime since 28.10.2020, no incriminating material seems to have been vre/-

collected against applicant nos. 2, 3 and 4. Not a single witness has stated anything against applicant nos. 2, 3 and 4 by referring their individual acts. The applicants are having a fixed place of residence the learned counsel for the applicants submits that the applicants are ready to give local surety. The applicants have also deposited the entire amount as per the allegations made in the FIR. It further appears from the submissions of learned APP that no other investor has come forward so far. In view of the same, I proceed to pass the following order:

O R D E R

- I. The application is hereby partly allowed.
- II. The applicant nos. 2. UMESHKUMAR S/O JAGDISH GAUR, 3. SHRIKANT S/O DEVKISANJIT MEENA and 4. MANSINGH S/O RAMDAYAL GUJAR in Bail Application No. 1375 of 2020 be released on bail in connection with Crime No. 586 of 2020 registered with Taluka Jalna Police Station, District Jalna for the offence punishable under Sections 419 and 420 of IPC and under Sections 66c and 66d of the Information Technology (Amendment) Act, 2008, on vre/-

furnishing P.B. of Rs.50,000/- each with one solvent surety each of the like amount on the following conditions :-

a] The applicants shall not tamper with the prosecution evidence in any manner.

b] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 02.00 p.m. to 05.00 p.m. till filing of the charge sheet.

c] The applicants, as agreed, shall submit the local surety to the extent as directed above.

III. The amount of Rs. 2,32,000/- deposited before this Court shall be transferred to the trial court and the trial court shall pass the appropriate orders in respect of the amount so transferred at the time of conclusion of the trial.

IV. Both the Bail Applications are accordingly disposed of.

(V. K. JADHAV, J.)

vre/-