

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

CRIMINAL BAIL APPLICATION NO. 683 OF 2019

Jagdish Sonaji Palodkar ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
CRIMINAL APPLICATION NO. 560 OF 2019
IN
CRIMINAL BAIL APPLICATION NO. 683 OF 2019**

Shri. Vitthalrao Baburao Jadgale ...Applicant
(Complainant)

In the matter between

Jagdish Sonaji Palodkar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Nitin S. Satpute a/w Divya R. Gupta, Advocate for the Applicant.
Smt. Veera Shinde, APP for the state-respondent.
Mr. Prajakt M. Arjunwadkar, Advocate for intervenor.
Mr. Arvind Choudhari, PI. Khed Police Station, Pune Rural, Present.
Mr. Vitthal B. Jagdale, Complainant, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 6th January, 2020

PC :

1. The applicant is arrested on 23rd September, 2018 in connection with C.R. No. 342 of 2018 registered with Khed Police Station, Dist. Pune for offences punishable under Sections 420, 468,

r/w Section 34 of Indian Penal Code.

2. The case of the prosecution is that for obtaining liquor license the complainant had parted an amount of Rs. 97 Lakhs which was credited into the account of the company namely M.P. Infrastructure. The applicant is sole proprietor. According to the applicant he is power of attorney holder. It is the case of the prosecution that the applicant had utilized the amount. It is also alleged that the amount of Rs. 32 Lakhs was also parted to Om Pak Punching Industries which was owned by the co-accused Mr. Dilip Patil at the instance of applicant.

3. Learned advocate for the applicant has tendered affidavit/undertaking dated 3rd January, 2020. The said undertaking sworn by the applicant in jail where he has been detained. The affidavit is affirmed before the Jailor, Yerwada Prison on 3rd January, 2020. It is stated that the applicant would pay of an amount of Rs. 15 Lakhs and the balance amount of Rs. 76 Lakhs will be paid by installments of Rs. 6 Lakhs on every first day of every month from May 2020 till realization of entire amount. The affidavit/undertaking is taken on record and marked 'X-1' for identification.

4. It is submitted that the Demand Draft dated 17th December, 2019 for amount of Rs. 15 Lakhs issued in favour of the Vitthal

Baburao Jagdale (complainant) has been tendered during the course of proceeding to the counsel appearing for the complainant. The complainant is present in Court. Learned counsel for the applicant on instructions from the wife of the applicant who is present in the Court submits that, post dated cheques of the amount towards balance amount enumerated in the affidavit /undertaking would be handed over to the complainant within one week from the date of his release. It is submitted that the applicant would abide contents of affidavit/undertaking and the cheques would be honoured on due date.

5. The applicant had undertaken to pay of an amount of Rs. 97 Lakhs including the amount of Rs. 15 Lakhs which is paid by way of Demand Draft. It is admitted that the amount of Rs. 6 Lakhs was paid by the applicant in the past. Learned counsel for the complainant however submits that the claim of the complainant is not only for an amount Rs. 97 Lakhs but it includes additional amount of Rs. 32 Lakhs which was credited to company of co-accused at the instance of applicant. However, taking into consideration the affidavit/undertaking and also considering the fact that the applicant is in custody since more than a year, applicant is granted bail on certain terms and conditions.

6. Hence, I pass the following order;

ORDER

- i) Bail Application No.683 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection C.R. No. 342 of 2018 registered with Khed Police Station, Dist. Pune on furnishing PR. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall abide by the affidavit/undertaking tendered before this Court. In the event of breach of undertaking the prosecution and complainant will be at liberty to prefer an application for cancellation of bail.
- iv) The applicant shall attend Khed police station once in a month on every first Saturday between 11.00 am. to 1.00 pm.
- v) The applicant shall attend the trial Court on the date of hearing of the case regularly unless exempted by the Court.
- vi) The applicant shall furnish the details about the place of his residence to the Investigating Officer.
- vii) The applicant shall not leave India without permission of Trial Court. He shall deposit the passport with the Investigating Officer. If the applicant do not have any passport he shall file

affidavit in that regard before the trial Court .

- viii) Bail Application as well as intervention application stand disposed of accordingly.

(PRAKASH D. NAIK, J.)