

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

CRIMINAL BAIL APPLICATION NO. 3102 OF 2019

Amol Gopichand Madankar	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Niranjan Bhavake a/w Chaitali Pachpute, Advocate for the Applicant.

Smt. A. A. Takalkar, APP for the State-Respondent.

Mr. V. S. Dalimbkar (PSI) Borgaon Police Station, Satara, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th January, 2020

PC :

1. The applicant is seeking anticipatory bail in C.R. No. 96 of 2019 registered with Borgaon Police Station, Satara for offences punishable under Section 420, 465, 467, 468, 471, 472, 475, 120-B r/w Section 34 of Indian Penal Code.

2. The prosecution case is that, on 5th June, 2019 the informant Abhijit Shankar Salunke has lodged a report at Police Station, Borgaon, alleging that he was acquainted with Sachin Tarafdar (Accused No.1). Thereafter through Sachin Tarafdar has got acquainted with applicant. These two persons assured him to provide employment in Railway Department by taking an amount of Rs. 3,80,000/-. First informant and his father paid Rs. 1,77,000/- on 27th July, 2017 to Sachin Tarafdar. In the month of September 2017 he

received bogus appointment letter. The accused in furtherance of common intention have cheated several persons in the name of providing employment. When they demanded amount, accused No.2 issued cheques which were dishonored.

3. On completing investigation, charge-sheet is filed. Learned Counsel for the applicant submitted that the amount of Rs. 2,28,500/- was allegedly given to the applicant. The applicant had refunded the amount of Rs. 3,80,000/-. Learned counsel pointed the statement of witness Vikas Kale recorded on 28th June, 2019. According to him he had parted amount of Rs. 79,500/-. The other witness Dattatray Kharat had stated that he gave Rs.25,000/- to the applicant. The third witness Shankar Salunkhe had paid Rs.1,24,000/-. Learned Counsel relied upon bank statements to show that amount of Rs.3,80,000/- was returned to the aforesaid persons. This fact is not disputed by the prosecution.

4. Learned APP however submitted that he had acted in connivance with other accused in deceiving victims. There are two antecedents against the applicant. C.R. No. 234 of 2019 registered with Kavthe Mahakal Police Station for offence under Section 420 of IPC and C.R. No. 133 of 2016 registered in Karnataka for offence under Section 420 r/w Section 34 of IPC.

5. Learned Counsel for the applicant submitted that applicant is not concerned with the case registered at Karnataka and he has never sought to be arrested.

6. The applicant has refunded the amount parted to him. Investigation is complete and charge-sheet is filed. Considering the above facts, further detention of the application is not necessary. Hence, bail can be granted to the applicant.

ORDER

- i) Bail Application No.3012 of 2019 is allowed;
- ii) The applicant is directed to be released on bail in connection with C.R. No. 96 of 2019 registered with Borgaon Police Station, Satara on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount;
- iii) The applicant shall report concerned police station once in a month on every first Saturday between 10.00 a.m. to 1.00 p.m.
- iv) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)