

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

BAIL APPLICATION NO.329 OF 2021

DINESH @ BHAWDU WALMIK JADHAV  
VERSUS  
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. R.V. Gore.  
APP for Respondents: Mr. V.S. Badakho

**CORAM : V.G. BISHT, J.**

**ORDER RESERVED ON : 12<sup>th</sup> August.2021**

**ORDER PRONOUNCED ON : 23<sup>rd</sup> August, 2021.**

**ORDER:**

1] This application has been filed by the applicant under Section 439 of the Cr.PC. to enlarge him on bail in connection with Crime No. 0241/2020 registered with Police Station, Chalisgaon, Dist. Jalgaon for the offences under Section 420, 467, 468, 447, 511 of IPC.

2] The prosecution alleges that accused Dhananjay Bhosale, visited Chalisgaon Police Station on 22.9.2020 at around 8.00 p.m. and apprised the informant that he is having release order passed by the Sub Divisional Officer, Chalisgaon in respect of the Tractor bearing Registration No. MH-19-OY3056, which was seized by the police. The informant became suspicious as there was scratching, scoring and overwriting in the registration number of the tractor. After verifying the said order allegedly issued by the SDO office, Chalisgaon, he realized that the order produced by the said accused is forged one. Meantime, said accused tried to run away from the spot. However, he was caught hold of by the police and people at the S.T. Stand, Chalisgaon. It is then that the said accused revealed the name of the present applicant and

informed that the said order was given to him by the applicant – Dinesh.

3] Mr. R.V. Gore, learned counsel for the applicant, submits that except the statement of accused, there is no other evidence against the applicant. Although the prosecution has recorded the Disclosure Statement of the applicant under Section 27 of the Indian Evidence Act, but that is not sufficient to prove prima-facie the complicity of the applicant in the alleged offence. According to learned counsel, the applicant is in jail since 26.9.2020 and the fact that there are no criminal antecedents, he needs to be released on bail being the Karta of his family. The learned counsel also showed willingness of the applicant to abide by any condition which may be imposed by this court while granting bail.

4] Mr. Badakh, learned APP, on the other hand, would submit that the present applicant and accused Dhananjay in collusion with each other forged the release order of the tractor which is apparent from the statements of the witnesses and as also from the disclosure statement of the applicant under Section 27 of the Evidence Act. There being no merit in the application, same is liable to be rejected, argued learned APP.

5] Needless to note here that the FIR against main accused and the present applicant came to be registered only when the main accused, namely, Dhananjay Bhosale revealed the name of the present applicant as the person, who gave him the forged release order pertaining the tractor.

6] I have gone through the statement of witnesses, who are mainly police personnel and they in one voice state that the name of the present applicant was revealed by accused Dhananjay. Thus, it means

that except the statement of co-accused, there is nothing to suggest that the applicant was actively involved in the present crime. Similarly, the alleged disclosure statement recorded under Section 27 of Evidence Act, would show that the accused Dhananjay Bhosale had shown the place where the forged order in respect of release of tractor was given to him by the present applicant. In my considered view, this kind of statement will not further the case of prosecution.

7] Prima facie, I am satisfied that there is no overwhelming evidence so as to pin point the complicity of the present applicant in the alleged offence. Moreover, no criminal antecedents are brought on record. In such circumstances, the applicant has made out a case for bail. Hence, the following order.

**: O R D E R :**

[a] The application is allowed.

[b] The applicant be released on bail in connection with Crime No. 0241/2020 registered with Police Station, Chalisgaon, Dist. Jalgaon for the offences under Section 420, 467, 468, 447, 511 of IPC., on his executing PR bond in the sum of Rs. 20,000/- and on furnishing one or more sureties in the like amount, on the following conditions :-

[i] He shall not tamper with the evidence or influence the witnesses.

[ii] Bail before trial court.

**[V.G. BISHT]  
JUDGE.**

grt/-