IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 433 OF 2021

Santosh Maruti Akhade .... Applicant

Versus

The State of Maharashtra .... Respondent

Mr. Sanjeev Kadam i/b Siddharth Karpe and Prashant Raut, for the applicant.
Ms. Pallavi N. Dabholkar APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE : 31st MARCH, 2021

P.C. :

1. The applicant is seeking his release on bail in connection with C.R.No. 103 of 2020 registered at Mahableshwar Police Station, Satara, on 6/11/2020 under sections 420, 504, 506 read with Section 34 of the Indian Penal Code. The applicant was arrested on 10/11/2020 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Sanjeev Kadam, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The prosecution case has unfolded through the FIR lodged by one Ananda Chormale. He has stated that the applicant was previously President of Mahabaleshwar Municipal Council. The informant was knowing him. In March, 2018, the applicant called the informant to his house and told him that there were vacancies in the Court Office for various posts. Since the informant's son was looking for a job, the applicant was in a position to help him. He introduced the informant to co-accused Nilesh Thorat. It was told to the informant that Nilesh Thorat was a body guard of Judges and that through his acquaintance they could get jobs in Courts. It was represented by Nilesh Thorat that he could get the work done through the retired Judges and he quoted some amounts ranging from two and half lakhs to three lakhs depending on the posts. The informant believed them and showed his willingness to pay different amounts for his son, nephew and other relatives. The applicant told the informant to deposit the money in the bank account of co-accused Nilesh Thorat. The FIR goes on to mention the amounts which the informant transferred in the bank account of co-accused Nilesh

Thorat. The informant paid Rs. 50,000/- to the present applicant.

4. In November 2018, the first list for the post of clerks in Satara District Court was published but the informant's son's name was not there. He questioned the applicant and the co-accused Nilesh Thorat. They gave some excuses and asked the informant to wait for the next list. Even in that list the informant's relatives' names were not included. The informant realised that he was cheated. He also came to know that there were other similar victims who were cheated. The FIR mentions names of 15 other victims and total misappropriation was to the tune of Rs. 45 lakhs. On this basis the FIR was lodged.

5. Learned Counsel for the applicant submitted that the offence is committed by co-accused Nilesh Thorat. The applicant himself relied on the representation made by Nilesh Thorat and he himself had no intention to cheat the victims. He categorically stated that the allegations against the applicant are that he had received some commission in the entire episode. The charge-sheet

gives details of cash amount paid to the present applicant. That amount comes to the tune of Rs. 8 lakhs and the applicant is voluntarily willing to deposit that amount before the trial Court to show his bonafides. He submitted that since the investigation is over, his further custody is not necessary.

6. Learned APP opposed this application. She submitted that the applicant had deliberately cheated the victims. His intention was dishonest right from the inception. Therefore bail should not be granted to him.

7. I have considered these submissions. With the assistance of both learned Counsel I have perused the entire charge-sheet. Charge-sheet contains statements of other witnesses namely Suresh Doiphode, Maruti Doiphode, Alka Doiphode, Ramchandra Mane, Amit Raut, Ramesh Shinde etc. All these witnesses have consistently stated that they had transferred various amounts in the account of the co-accused Nilesh Thorat and each of them had paid some cash amount to the present

applicant by way of commission.

8. As pointed out by Shri Kadam the amount which is received by the applicant is about Rs. 8 lakhs. Learned APP also confirms that the investigation has revealed that the applicant has taken this amount of Rs. 8 lakhs from all the victims together but the investigation has not effected any recovery from the present applicant. The main allegations of misappropriation of money are against co-accused Nilesh Thorat who is still absconding. Therefore considering the statement made by the learned Counsel for the applicant that he is willing to deposit said amount of Rs. 8 lakhs before the trial Court, his bail application can be considered favourably.

9. Hence the following order.

<u>O R D E R</u>

(I) The applicant shall deposit Rs. 8 lakhs before the trial Court as a pre condition for his release on bail. On such deposit, in connection with C.R. No.103 of 2020 registered with Mahableshwar

Police Station, Satara, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one or two sureties in the like amount.

(ii) The trial Court shall invest the said amount in the fixed deposit scheme to be renewed from time to time in accordance with rules. Question of disbursement of the amount with interest shall be decided at the conclusion of the trial.

(ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)