

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 901 OF 2022

Kishor Vithal Kale	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. S. S. Thombre, Advocate for applicant
Mr. V. S. Badakh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.
DATED : 11th AUGUST, 2022

PER COURT :-

1. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0130/2021, registered at Yusuf Wadgaon Police Station, District Beed, for the offences punishable under Sections 420, 406, 464, 468, 469, 472 r/w 34 of the Indian Penal Code and under Sections 66-C, 66-D of the Information and Technology Act.

2. Heard. Perused the First Information Report (FIR) and related papers.

3. The FIR has been lodged by one agriculturist, resident of village Bansarola, Taluka Kaij, District Beed on 03.09.2021. The case of the prosecution in short is that the applicant is the Proprietor of, 'Sudarshan Solar Pumps'. It is a registered establishment under the Shops and Establishments Act. He had employed some persons (cited as witnesses) who opened a website of, 'Sudarshan Solar'. Then he changed it to, 'Jal Sanjivani'. The applicant offered the poor agriculturists, solar pumps of particular HP (Horse Power Capacity) for Rs.16,560/- per 03 HP motor. He assured the agriculturists to provide them solar pumps in concessional rates. Number of farmers from the district of Ahmednagar, Aurangabad and Beed fell pray to the offer. They deposited amount totaling to Rs.33,81,357/- online. The record indicates the amount ultimately got transferred to the bank account of the applicant herein. None of the farmers was provided with solar pump. This way, the applicant and the co-accused duped/cheated the farmers and committed allied offences.

4. The learned Advocate for the applicant would submit that the applicant has been behind the bars for about eight months. On investigation, the charge-sheet has been filed. Agricultural land

of the applicant worth little over Rs.10,00,000/- (Rupees Ten Lakh) has been attached. He, therefore, urged for grant of bail.

5. The learned APP would, on the other hand, urged for rejection of the application on the ground of it being an economic offence.

6. Considered the submissions advanced. Perused the FIR and the police papers. The applicant, *prima-facie* appears to have duped poor farmers. To explore the possibility as to whether the applicant is ready to deposit some amount, the learned Advocate would submit that the applicant is financially not well. He is unable to deposit substantial amount. He had, however, submitted that the applicant may deposit Rs.5,00,000/- (Rupees Five Lakh). The applicant's land has also been under attachment. The same is worth little over Rs.10,00,000/- (Rupees Ten Lakh). The market price thereof may be somewhat more. The applicant has been behind the bars for little over eight months. It will take time for commencement and conclusion of trial. The applicant has roots within the limits of the trial Court. This Court is therefore inclined to grant the application. Hence following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0130/2021, registered at Yusuf Wadgaon Police Station, District Beed, for the offences punishable under Sections 420, 406, 464, 468, 469, 472 r/w 34 of the Indian Penal Code and under Sections 66-C, 66-D of the Information and Technology Act, on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with surety bond of the like amount.
- (iii) The applicant shall deposit before the trial Court a sum of Rs.5,00,000/- (Rupees Five Lakh) within a period of four weeks from today as a condition precedent for release on bail.
- (iv) If the land of the applicant has not been under attachment, the same hereby stands attached as a security for the amount involved in this crime.
- (v) The applicant shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]