

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

BAIL APPLICATION NO. 1154 OF 2022

Jitendra Bandu Bhosle

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. A.R. Sayeed, Advocate for applicant
Mr. V.S. Badakh, A.P.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 05th SEPTEMBER, 2022**

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 122 of 2019 registered with Kranti Chowk Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 465 and 468 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("F.I.R.") and related police papers.

3. The F.I.R. has been lodged by one Mahadev Pawar on 13th April, 2019. It is his case that his son and daughter were unemployed. He was in search of job for them. The informant's friend – Gangavane introduced him

with co-accused – Mannalal Bansval. Co-accused – Bansval, in turn, promised the informant to secure a job for his children in Health Department. He asked the informant to spare a sum of Rs.7-8 lakhs there for. Bansval took some papers of the informant's children and asked to pay him Rs.3 lakhs as advance and balance amount on issuance of appointment order. The informant, therefore, gave Bansval a sum of Rs.3 lakhs. After fifteen days, Bansval and his friend – Pandit Kaudekar came to informant's home at Aurangabad and told the informant that his daughter's name is in the select list. The informant's relations also came there after a while. The select list of candidates was shown to the informant and his relations. The informant, therefore, paid Rs.2 lakhs. His relations also paid them Rs.4 lakhs. The applicant had also accompanied Bansval and Kaudekar. A sum of Rs.10 lakhs was paid to the trio. After some days some amount was deposited in the bank account of Bansval. The informant and his relations, as such paid total sum of Rs.23,95,000/- to the applicant and the co-accused. Later on it was found that the select list shown to the informant was forged one. After having realised to have been cheated, the informant lodged the F.I.R.

4. The applicant had already been arrested in connection with similar crime. His custody came to be obtained for investigation in the present crime. On investigation, the charge-sheet has been filed against him. Co-accused are said to be absconding.

5. Learned counsel for the applicant would submit that the applicant is in jail for little over four years in connection with some other crime. For last six months he is in jail for the present crime. The applicant has been granted bail in other crimes. Co-accused have yet to be arrested. The F.I.R. would indicate that the main culprits are Bansval and Kaudekar. The applicant had only accompanied them once. He did not receive any amount. The informant came forward to deposit a sum of Rs.5 lakhs. He, therefore, urged for grant of application.

6. Learned A.P.P. would, on the other hand, submit that it is an economic offence. Co-accused are yet to be arrested. Number of similar crimes have been committed by the applicant. He is the resident of Mumbai. Learned A.P.P., therefore, urged for rejection of the application.

7. Considered the submissions advanced. Co-accused – Bansval and Kaudekar appear to have played a major role in the offence in question. The applicant had accompanied them once. The informant claims to have paid a sum of Rs.10 lakhs to the trio at the given time. Rest of the amount is said to have been paid to the co-accused. They are absconding. On investigation, charge-sheet has been filed against the present applicant. It is informed that the applicant has been granted bail in similar offences. He is in jail for little over six months in the present crime. Since the informant, on his own, came forward to deposit a sum of Rs.5 lakhs and after having

considered the applicant's role in the present crime, I am inclined to grant the applicant bail.

8. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released on bail, in connection with Crime No. 122 of 2019 registered with Kranti Chowk Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 465 and 468 read with Section 34 of the Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(III) The applicant shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs) in the trial Court. Same is the condition precedent for grant of bail.

(IV) If the victims apply for receipt of amount, the trial Court pay them the amount equally, on conditions to be imposed by it.

(V) The applicant shall attend Kranti Chowk Police Station, Dist. Aurangabad once a month i.e. on every first Sunday by 11:00 a.m., till conclusion of trial.

(VI) The applicant shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD