

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.187 OF 2022

Prashant Dnyandev Bhosale	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Aniket Nikam i/b. Mr. Vivek Arote for Applicant.
Mr. N. B. Patil, APP for Respondent-State.
Mrs. Pranjali Prashant Bhosale, wife of applicant.

CORAM : NITIN W. SAMBRE, J.
DATE : SEPTEMBER 28, 2022

P.C. :

Heard.

2. The complainant, a grape harvester entered into an agreement of sale of grapes with M/s. Padva Agri Solutions, a partnership firm. After the crop was harvested from the grape farm of the complainant, the same was exported with the help of the applicant to Netherland. It is claimed that the applicant was in the forefront of exporting the farm product to Netherland, however, he has not honoured his commitment of payment of around Rs.60,00,000/-. As such, offence in question.

3. Applicant was arrested on 22.07.2021 and is charge-sheeted.

4. The claim of Mr. Nikam is, the nature of allegation is based on business transactions. According to him, though there are similar antecedents, the same are based on the transactions in relation to the purchase of grapes and non-payment of the consideration for the year 2017-18, of which the applicant is already released.

4.1. Mr. Nikam would further urge that as far as the present offence is concerned but for the present applicant, all other co-accused are released on bail.

5. While countering the aforesaid submission, learned APP would urge that as on today, there are seven offences registered against the

applicant which are similar in nature. It is claimed that if released, the applicant will indulge into similar type of offence and that being so, the application be rejected.

6. I have appreciated the submissions.

7. The antecedents against the applicant appear to be based on similar type of transactions taken place in the year 2017-18, which have given rise to registration of six offences in Nashik District. In all these matters, the applicant is informed to have been released on bail. In the present case also, the applicant was subjected to custodial interrogation and charge-sheeted.

8. On instructions from the wife of the applicant, who is present in the Court, a specific statement is made by counsel for the applicant that the applicant will not directly or indirectly indulge into the business of purchase / trading in the farm products.

9. The statement is accepted as an undertaking.

10. In view of the above, the application stands allowed. The applicant is directed to be released on bail in Crime No.64 of 2021 registered with Pimpalgaon B. Police Station, Nashik for the offence punishable under Sections 406, 409, 420, 120-B r/w. Section 34 of the Indian Penal Code on executing P.R. Bond of Rs.2,00,000/- with one surety in the like amount. Applicant shall neither directly or indirectly try to influence the prosecution witnesses nor tamper with the evidence. Applicant shall remain outside the jurisdiction of Nashik District and shall furnish his contact number, place of abode / residence to the investigating officer so also the Court of Magistrate before whom the charge-sheet is tendered. If the applicant is found involved in similar type of offence, the prosecution shall be at liberty to move forthwith for cancellation of bail.

11. Application is disposed of accordingly.

(NITIN W. SAMBRE, J.)