

Darshan Patil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 924 OF 2022

PRAFUL PRAKASH PARAB ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

**WITH
BAIL APPLICATION NO. 2251 OF 2022**

ASHWINI ANAND JADHAV @
ASHWINI EKNATH KADAM ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Sonal Parab a/w Ms. Tanvi Sawant i/b Mr. Rajeev
Sawant and Associates for applicant in BA No. 924/2022
Mr. Harshad V. Bhadbhade a/w Rishikesh Gherade for
applicant in BA 2251/2022
Ms. P.N. Dabholkar, APP for State.
Mr. Dhiraj Waykos, PSI, Malad Police Station is present

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 5, 2022.

P.C. :

1. Heard learned counsels for the applicants.
2. These are applications for bail in connection with C.R.
No. 750 of 2021 registered with Malad Police Station for
the offence punishable under sections 408, 419, 420,

465, 467, 468, 471, 381 read with 34 of the Indian Penal Code, 1860.

3. In this C.R. there are total 7 accused involved. Main accused is one Kalpesh Jadhav. The applicant Praful Prakash Parab in Bail Application No. 924 of 22, is the original accused no. 4. Praful Parab is a friend of Kalpesh Jadhav. The First Information Report (hereafter 'FIR', for short) was registered by the complainant on 14/09/2021. The FIR filed by the complainant Mr. Nikhil Killa alleges that Kalpesh Jadhav was an employee of the Gokul Fuelchem Pvt. Ltd. as an accountant. Kalpesh Jadhav siphoned off substantial sums of money belonging to Gokul Fuelchem Pvt. Ltd. which according to the prosecution is to the tune of almost Rs. 7 crores.

4. The second part of the allegation is that coal which belonged to the said company was sold through the partnership firm of which wife of the Kalpesh Jadhav i.e. Accused no. 7- Megha Jadhav and the applicant- Praful are partners. According to the applicant, he is working on full time basis as an employee of Bharatiya Vidya Bhavan since

01/04/2008. Learned counsel for applicant submits that as he is friend of Kalpesh Jadhav, the applicant agreed to be a partner of Standard Sales Corporation. The entire operations of Standard Sales Corporation was looked after by Kalpesh and his wife Megha. For being a partner, he was paid a monthly remuneration of Rs.15,000/-. The applicant was arrested on 29/09/2021 and is in custody for almost 1 year 3 months. The charge-sheet does not reveal that the applicant is the beneficiary of the siphoned of money and therefore, prima facie there is no material to indicate that it was the applicant who was actively involved in the business of Standard Sales Corporation. This apart, charge-sheet has now been filed and the applicant has already suffered incarceration for the period of 1 year and 3 months. There is no likelihood of the trial commencing anytime soon. Having regard to the overall circumstances, in my opinion the applicant deserves to be released on bail.

5. In so far as, Bail Application No. 2251 of 22 filed by the Ashwini A. Jadhav is concerned, it is submitted that Ashwini is real sister of Kalpesh. Kalpesh through a

company owned by one Deepak Gije (witness), tried to legitimise the transaction regarding money siphoned. The applicant is in custody since 13/11/2021 almost for the period of 1 year and 1 month. It is alleged that Ashwini had an ATM card which she was using to withdraw the money deposited in the account of Krishna Logistic which is a company owned by Deepak Gije. It is basis on the statement of Deepak Gije that Kalpesh and Ashwini was looking after the banking transactions, that the applicant came to be arrested. The charge-sheet does not reveal that the siphoned of money was actually deposited in any bank account of Ashwini. The transaction was through the account of Krishna Logistic in respect of which a statement is made by the Deepak Gije that same was looked after by Kalpesh and Ashwini. The main allegations are against Kalpesh. Ashwini, a woman, is in custody for more than 1 year. The charge-sheet is already filed and there is nothing to be recovered at her instance. The trial will not commence any time soon in the near future. Hence she can be released on bail. Hence the following order.

ORDER

(a) The applicants - Praful Prakash Parab and Ashwini Anand Jadhav @ Ashwini Eknath Kadam, in connection with C.R. No. 750 of 2021 registered with Malad Police Station, shall be released on bail on furnishing P.R. bond in the sum of Rs.25,000/- with one or more sureties of the like amount.

(b) The applicants shall report to the concerned police station as and when called.

(c) On being released on bail, the applicants shall furnish their contact number and residential address to the Investigating Officer and shall keep him updated, if there is any change.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants should not tamper with evidence.

6. Bail applications are disposed of.

(M. S. KARNIK, J.)