

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2244 OF 2022**

Satish Gundu Bucche

... Applicant

Versus

The State of Maharashtra

... Respondent

Mr. Vijay R. Garad, for Applicant.

Mr. R.M.Pethe, APP, for State.

Mr. S.N.Gangurde, PSI, EOW, Nashik (Rural) present.

CORAM: N.J.JAMADAR, J.

DATE: 17th OCTOBER, 2022

P.C.:

1. Heard the learned Counsel for the parties.
2. This is the second application for pre-arrest bail in connection with C.R.No.88 of 2022 registered with Nandgaon Police Station, Nashik for the offences punishable under Sections 420, 465, 467, 468, 471, 504, 506 read with 34 of the Indian Penal Code, 1860.
3. The gravamen of indictment against the Applicant and the co-accused is that they induced Chetan Shivaji Eighe, first informant and his associates to part with a sum of Rs.1,15,00,000/- by making a false representation that they would secure employment for them in Central Railway as TC and Gateman and made them to undergo a farce of medical examination, obtained false medical certificates and also issued false and fabricated appointment orders.

4. The first bail application was withdrawn by the Applicant as this Court had expressed its disinclination to entertain the prayer for pre-arrest bail.
5. I have heard the learned Counsel for the Applicant and the learned APP for the State.
6. It would be suffice to note that there is no change in circumstances which would persuade this Court to reconsider the prayer for pre-arrest bail. Two grounds are sought to be pressed into service. One, no amount was transferred to the account of the applicant. Second, the co-accused No.1 has been granted default bail by the learned Magistrate by an order dated 8th July, 2022.
7. None of the aforesaid grounds deserve countenance. As regards the first ground, the learned APP has invited the attention of the Court to the statements of witnesses namely Manoj Diliprao Pagar and Vishal Arun Khairnar and the documents evidencing the transfer of the amount in the account of the Applicant maintained with Bank of Maharashtra on various dates. Those amounts are reflected in the statement of accounts annexed by the Applicant to the instant application. Thus, the material on record belies the claim of the Applicant that no amount was credited to the account of the Applicant.
8. The Applicant claimed to be employed as driver with accused No.3 – Santosh S. Patil. Yet the statement of account maintained by the Applicant with Bank of Maharashtra indicates that for the period 1st January, 2018 to 31st December, 2018

indicates that a sum of Rs.16,37,889, for the period 1st January, 2019 to 31st December, 2019 a sum of Rs.8,56,259 and for the period 1st January, 2020 to 31st December, 2020 a sum of Rs.11,81,309 came to be credited to the account of the Applicant.

9. The second ground of grant of default bail to the accused No.1 is required to be stated to be repelled. The fact that the accused No.1 was granted default bail is simply of no avail to the Applicant to claim the relief of pre-arrest bail.

10. Hence, the Application stands rejected.

(N.J.JAMADAR, J.)