

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2971 OF 2022**

Sudhir Shankar Mohite ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Aniket Nikam i/b Mr. Amit Icham for the Applicant.
Ms. M. M. Deshmukh, APP for the State.

.....

CORAM : N.R. BORKAR, J.
DATED : 21 NOVEMBER 2022

P.C. :-

This is an application under Section 439 of Code of Criminal Procedure.

2. The applicant came to be arrested in Crime No. 621 of 2019 registered at Islampur police station for the offences punishable under Section 406, 409, 420 read with 34 of Indian Penal Code and Section 3 and 4 of the MPID Act.

4. According to the prosecution the present applicant and other co-accused are the directors of one Rayat Agro Company. According to the prosecution the present applicant and other co-accused had asked the complainant and other investors to invest certain amount in

their company and in turn they would help them to start the business of poultry farm and assured them huge returns. According to the prosecution the complainant and other investors thus invested certain amount in the said Rayat Agro Company. It is alleged that applicant and other co-accused, however, failed to act in accordance with their assurance and misappropriated the amount invested by the complainant and other investors.

6. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

7. The learned counsel for the applicant submits that there are 11 more FIRs on the similar allegation in addition to the present FIR registered against the applicant and other co-accused. It is submitted that the applicant has been released on bail in some of the crimes. It is submitted that Sessions Court was thus not justified in rejecting the bail application.

8. The learned APP has not disputed that the allegations in all 12 crimes registered against the applicant are identical. The learned APP has also not disputed the applicant has been released on bail in some of the crimes. Admittedly the State has not challenged the order granting bail to the applicant in some of the crimes. Therefore there was no propriety in rejecting the application in present crime. Apart

from it, this Court by order dated 20 January 2022 in Criminal Bail Application No. 914 of 2020 and other connected applications granted bail to the applicants therein against whom similar allegations were made. Considering these facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

ORDER

- (i) Application is allowed.
- (ii) The applicant shall be released on bail in Crime No. 621 of 2019 registered at Islampur police station for the offence punishable under Section 406, 409, 420 read with 34 of Indian Penal Code and Section 3 and 4 of the MPID Act on furnishing PR bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall not temper with the prosecution evidence.

(N.R. BORKAR, J.)