

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4382 OF 2021

Akshay Shivaji Patil

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr. M. U. Rajput, for the Applicant.

Mr. N. B. Patil, APP for the Respondent / State.

WAPI Varsha S. Jadhav Satana Police Station.

MAMTA
AMAR
KALE

Digitally signed
by MAMTA
AMAR KALE
Date:
2022.03.02
17:48:34
+0530

CORAM : C.V. BHADANG, J.

DATE : 2 MARCH 2022

P.C.

. By this Application, the Applicant (Accused No.4), is seeking release on bail. The Applicant alongwith three others has been chargesheeted for the offence punishable under Section 420, 465, 467, 468 and 471 r/w. 34 of IPC arising out of Crime No.637/2020 of Police Station Satana, District Nashik (Rural). The Applicant was arrested on 15 July 2021 and since then is in jail.

2. I have heard the learned counsel for the Applicant and the learned APP. Perused record.

3. The aforesaid crime is registered on the basis of the complaint lodged by Ashok Hajarimal Thole (Jain) on 6 November 2020. According to the informant, the Applicant and the co-accused had represented to the informant that they can secure a Government job for the sons of the first informant in the Public Works Department as Junior Engineers. Saying this, co-accused Pawan Patil and Rajendra Burad had taken an amount of Rs.41,95,500/- which was paid from time to time and inspite of the same, the employment to the sons of the informant did not materialise.

4. The learned counsel for the Applicant submitted that in the FIR, the only allegation against the Applicant is that he had accompanied Pawan Patil on some occasions. It is submitted that there is no material produced to show that the Applicant is a beneficiary or has obtained any amount from the informant.

5. Learned APP, on instructions, from the Investigating Officer, who is present before the Court does not dispute that there is no material collected during the course of the investigation that any amount was either paid or transferred to the account of the Applicant.

6. After hearing the learned counsel for the parties, it can be seen that the Applicant has neither been paid nor received any amount in

his account and *prima facie* he cannot be said to be beneficiary of the transaction. The investigation in the offence is complete and the chargesheet is filed.

7. Learned APP on the last occasion had sought time to find out whether there are any criminal antecedents against the Applicant. Today, the learned APP has pointed out the FIR in which the informant states that an amount of Rs.18 Lakhs was accepted by the Accused persons from one Sanjay Chordia, resident of Bhusaval on similar representation. However, the learned APP, in all fairness, did not dispute that the statement of Sanjay Chordia has not been recorded nor Sanjay Chordia has filed any complaint. A perusal of the FIR shows that the informant claims that he had come to know that even Sanjay Chordia has been similarly cheated by the Applicant.

8. Considering the over all circumstances, I do not find any justification to detain the Applicant behind bar.

9. Hence, the following order is passed.

ORDER

(i) The Applicant Akshay Shivaji Patil, be released on bail in connection with Crime No.637/2020 of Police Station Satana, District Nashik (Rural), on executing a P.R. Bond in the sum of

Rs.25,000/- with one or two solvent sureties, in the like amount.

(ii) The Applicant shall undertake to remain present during the course of trial, unless exempted.

(iii) The Applicant shall not indulge into any similar act / offence, while on bail.

(iv) The Applicant shall not tamper with the prosecution evidence.

(v) The Criminal Application is disposed of, in the aforesaid terms.

C.V. BHADANG, J.