

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (BA) No. 364 of 2022

Pradip Preamsukhdas Rathi

Versus

State of Maharashtra, through Police Station Officer, Khamgaon City
Police Station, Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.P.Sirpurkar, Advocate for the applicant.

Shri Sagar Ashirgade, APP for the State / Non-applicant

Shri A.C.Dharmadhikari, Advocate assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 20th SEPTEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 46 of 2021 registered with Police Station Khamgaon for the offence punishable under Sections 255, 260, 420, 423, 465, 468, 471, 472, 475 of Indian Penal Code and Section 65 D of the Information Technology Act.

2. Shri Sirpurkar, learned counsel for the applicant submits that in this case investigation is completed and the chargesheet has been filed. He further submits that applicant is ready to deposit Rs.20,00,000/- to show his bonafide. He submits that

though there is no material to attract Section 255 of Indian Penal Code, the offence under Section 255 of Indian Penal Code is came to be registered. He further submits that the applicant is in jail from last one and half years. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that considering the nature of allegations made in the First Information Report and the material collected by the Investigating Officer during the investigation, this Court may not grant bail to the applicant. Accordingly, he prays for rejection of the present application.

4. Shri Dharmadhikari, learned counsel who is assisting the prosecution on behalf of the complainant submits that there are allegations of counterfeiting the Government stamp. He further states that though on record it appears that the amount involve is not much but infact the amount involved in the alleged offence is in crores. He, therefore, submits that this Court may not grant bail to the applicant.

5. He lastly submits that the complainant being lady and she is widow, she is has apprehension that if the applicant is released on bail, he may pressurize her or other witnesses.

6. I have perused the chargesheet and the application.

7. From the chargesheet, it can be seen that the period of offence is from 2007 to 2020, whereas the complaint was lodged on 25th January, 2021. The applicant was arrested in the month of March, 2021 as such he is in jail for last one and half years.

8. The allegations are that the applicant has sold out the seven plots alleged to have owned by the complainant during the period of 2007 to 2020. As per the Government valuation placed on record, the total value of the seven plots is not more than 22 lakhs.

9. In this case, the investigation is completed and the chargesheet has been filed, as such further custody of the applicant is not required, though it is stated that after joining of new investigating officer in this matter, he is investigating the matter further, I am of the opinion that it cannot be the reason to deny the bail to the applicant particularly when he is ready to deposit Rs.20 lakhs to show his bonafide.

10. Thus, considering the period of incarceration, the fact that chargesheet is filed coupled with the fact that he is ready to deposit Rs.20 Lakhs to show his bonafide, I am of the opinion that the applicant is entitled for grant of bail.

11. As far as apprehension expressed by Shri Dharmadhikar, learned counsel that if the applicant is released on bail, he may pressurize the complainant as both are resident of Khamgaon, the said apprehension can be addressed by imposing certain stringent conditions. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that the applicants shall be released on bail in Crime No. 46 of 2021 registered with Police Station Khamgaon City, Buldhana for the offence punishable under Sections 255, 260, 420, 423, 465, 468, 471, 472, 475 of Indian Penal Code and Section 65 D of the Information Technology Act, on furnishing P.R.Bond of Rs.50,000/- with a solvent surety in the like amount.
- iii. The applicant shall deposit Rs.5,00,000/- within one month from today and remaining amount of Rs.15,00,000/- in next five months i.e. total Rs.20,00,000/- within six months from today to show his bonafide before the trial Court.
- iv. Needless to mention that failure to deposit the amount of Rs.20,00,000/- as observed herein above, the bail granted to the applicant shall stand cancelled;

v. The applicant shall not enter the territorial jurisdiction of Khamgaon City, Dist. Buldhana till culmination of the trial, except for the trial.

vi. The applicant shall provide his address and name of Police Station, which he shall attend on 1st of each month between 10 am to 12 noon till culmination of trial.

vii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not to tamper with the evidence;

viii. State is at liberty to apply for cancellation of bail, in case the applicants commits similar offence or breach the condition;

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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Date: 2022.09.20
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