IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.102 OF 2023
WITH APPLN/647/2023 IN BA/102/2023

DATTU DAGADU APET
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. Thombre S.S.
APP for Respondent/State : Mr. K.S. Patil
Advocate for Complainant/Assist to P.P. : Mr. S.S. Jadhavar
...

CORAM : S.G. MEHARE, J.

DATED : MARCH 06, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.

2. The matter was heard at length on the last date. During the course of investigation, a question was raised whether the applicant has withdrawn an amount from the Axis Bank to prove his link in the fraud. The prosecution and learned counsel for the complainant had no material on that point; hence, the Court directed them to collect the evidence and listed the matter after ten days.

3. Now, the learned counsel for the complainant is arguing that recently the supplementary charge sheet has been filed against the applicant. He indirectly mean to say that since the supplementary charge sheet has been filed, the applicant may be asked to go to the

Sessions Court again. This seems to be a tactics played in this case. Instead of satisfying the Court on the query raised on the last date, the complainant has came with a new plea of filing supplementary charge sheet. That goes to show his ill-intention to see the applicant behind the bar. The important material of the withdrawal of the amount by the applicant is still not produced. In these circumstances, ordinary rule of sending the applicant back to the Sessions Court after filing of charge sheet has to be excepted.

4. After hearing at length, the prosecution has not a single entry of withdrawal in the name of and by the applicant. That apart, the entire allegations were against the manager of the society of which the applicant was the director. The circumstances reveal that the complainant wants to recover the money by hook or crook through police. This practice to recover the money through the police has been deprecated in many cases. The criminal law provides for a punishment and does not guarantee the recovery of the money howsoever big it is through the criminal Court. Herein the case, the prosecution has no evidence to show that the applicant was the beneficiary or had the share in the alleged fraudulent money. In the facts and circumstances, the applicant deserve bail. Hence, the following order :

ORDER

(i) Bail Application is allowed.

(ii) The applicant, Dattu Dagdu Apet, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.233 of 2021, registered with Parli Rural Police Station, District Beed for the offence punishable under Section 420, 467, 468, 471 and 406 read with Section 34 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution witnesses.

(iii) Criminal Application No.647 of 2023 stands disposed of.

(S.G. MEHARE, J.)

Mujaheed//