

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

942 BAIL APPLICATION NO.466 OF 2023
WITH APPLN/1172/2023 IN BA/466/2023

ISHWAR PRALHAD PISE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Lute Sandeep N.
APP for Respondent-State : Mr. K. S. Patil.
Advocate for First Informant to assist APP : Mr. S. V. Jadhwar
h/f Mr. S. S. Thombre.

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CORAM : S. G. MEHARE, J.
DATE : 28.03.2023

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the first informant.

2. Under the promise to make the C.S.R. fund available for the trust of the first informant, Rs.20,00,000/- (Rupees Twenty Lacs only) have been received by the applicant and other co-accused. They did not provide C.S.R. fund and grabbed the amount of Rs.20,00,000/-. The applicant has undertaken to pay the amount of Rs.20,00,000/-, but he did not pay. He surrendered suo motu. It appears that he has connection and contact with the other co-accused, who are absconding.

3. Learned counsel for the applicant would argue that the applicant is not the recipient of a single penny. The amount has been transferred in the bank account of other co-accused. However, to show his bonafide, he is ready to deposit Rs.5,00,000/- (Rupees Five Lacs only) within four (4) weeks and undertakes to co-operate with the investigation without leaving the place of his permanent residence.

4. Learned counsel for the first informant would oppose the application. He would submit that the conduct of the applicant is not good. He fled away from the district for about six (6) months. Hence, he cannot be trusted. If he wants to show his bonafide, he should deposit first and then he may be released, if the Court come to the conclusion that he deserves bail.

5. Perused the papers. The applicant appears a middleman convincing the first informant to pay the huge amount of Rs.20,00,000/- in the bank account of co-accused Pallavi through R.T.G.S. Systematically they have grabbed the amount of Rs.20,00,000/-. There are four other co-accused involved in the case. The offence pertains to the documents. The documents have been already recovered by the police. No purpose would be served keeping him behind bar. However, his proposal to deposit Rs.5,00,000/- (Rupees Five Lacs only)

within four (4) weeks is acceptable. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **ISHWAR PRALHAD PISE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, in Crime No.195 of 2022, registered by Police Station Kranti Chowk, District Aurangabad, for the offences punishable under Sections 420, 465, 468, 471 read with Section 34 of the IPC, on the following conditions :
 - (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) He shall attend the Police Station on each Monday between 4.00 p.m. to 6.00 p.m. till filing charge sheet.
 - (c) He shall deposit Rs.5,00,000/- in the bank account of the Marathwada Gramin Vikas Sanstha, Aurangabad, through his relative keeping his right reserve to claim the money back, if he would be acquitted in future.

- (d) Depositing amount of Rs.5,00,000/- as directed above is the condition precedent of releasing him on bail. The complainant shall undertake to deposit the above amount in his bank account if he gets acquitted or otherwise not entitled to get the refund of money.
- (iii) Criminal application No.1172 of 2023 to assist the learned APP is allowed.

(S. G. MEHARE, J.)

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