



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1856 OF 2023

Yogesh Kailas Giri (gosavi)
@ Dr. Rahul Gosavi Patil And Others ...Applicants

VERSUS

The State Of Maharashtra And Another ...Respondents

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Mr. A. B. Ghule, Advocate for the Applicants.

Mr. S. B. Jadhav, APP, for the Respondent – State.

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CORAM : R.M. JOSHI, J

DATE : NOVEMBER 29, 2023

PER COURT :

1. At the outset, learned Counsel for the Applicants submits that Applicant No. 3 is already arrested. Hence, application to his extent has become infructuous.

2. In view of above, application to the extent of Applicant No. 3 stands dismissed as infructuous.

3. When this Court has shown its disinclination to Applicant No. 1, learned Counsel for the Applicant No. 1, on instructions, seeks withdrawal of the application to his extent.

4. Application stands dismissed as withdrawn to

the extent of Applicant No. 1.

5. Applicant No. 2 – Kishor Dagadu Mali apprehends arrest in connection with with C.R. No. 395 of 2023 registered with Raver Police Station, Dist. Jalgaon for the offences punishable under Sections 420 read with Section 34 of the Indian Penal Code.

6. First informant Vijay has reported to the police about the co-accused impersonating himself to be a doctor had given assurance that with a medicines prescribed by him his wife will conceive. It is also alleged that in this connection the informant was called upon to purchase medicines. There is further allegation that the co-accused had told them that wife of the informant was pregnant and further medicines were prescribed. It is claimed that total amount of Rs. 2,62,500/- was spent towards medicines.

7. As far as present Applicant No. 2 is concerned, learned Counsel submitted that there is absolutely no evidence in order to connect him with the crime. According to him, there is no reference of the Applicant in the first information report.

8. Learned APP opposed the application by relying upon the statement of the Alok Kumar. According to him, the said statement that along with co-accused this Applicant had been to the said accused who is having a medical shop at Burhanpur.

9. The said Alok Kumar is accused in case, therefore, question arises as to whether any evidentiary value can be attached to his statement made before police. Except for the said alleged statement there is absolutely no evidence to connect Applicant No. 2 with the crime in question. He has no criminal history and not likely to abscond. In such circumstance, liberty of the Applicant No. 2 is protected.

10. In view of above, application is allowed. Hence, the order:

O R D E R

- (i) In the event of arrest the Applicant No. 2 – Kishor Dagadu Mali in connection with with C.R. No. 395 of 2023 registered with Raver Police Station, Dist. Jalgaon for the

offences punishable under Sections 420 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs. 15,000 (Rupees Fifteen Thousand Only) with one surety in the like amount.

- (ii) He shall attend the concerned police station once in fortnight till filing of the charge-sheet.
- (iii) He shall not contact the witnesses directly or indirectly.
- (iv) He shall not interfere with the evidence in any manner whatsoever.
- (v) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI, J.)

Malani