



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3344 OF 2023

SUNIL SAHEBRAO GAGARE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Ms. Saili Dhuru, for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 06, 2023

P.C. :

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

2. Learned APP sought time to take instructions. On 26/10/2023, this Court passed the following order.

“1.The amount involved is Rs.28 lakhs. According to learned counsel for the applicant, Rs.10 lakhs has also been paid. She seeks further time to take instructions if the applicant is willing to secure the balance amount.

2. Learned APP to take instructions.

3. Stand over to 9/11/2023, fairly high on board. “

I am not therefore inclined to grant any further time.

3. Learned APP opposed the application on the basis of the materials and submitted that the offence of cheating is made out in this case.

4. This is an application for bail in respect of the offence punishable under sections 420, 406, 506, 504 read with 34 of the Indian Penal Code, 1860 registered vide C.R. No.204 of 2023 with Mangalvedha police station, District- Solapur. The applicant was arrested on 16/03/2023.

5. The applicant is the owner of the milk processing unit wherein the complainant was supplying the milk from time to time. The applicant would pay the complainant for the milk supplied. There was default in payment to the complainant by the applicant and the outstanding rose to Rs. 28 lakhs. Out of 28 lakhs, the applicant has already paid an amount of Rs. 10 lakhs.

6. Learned counsel for the applicant on instructions submitted that without prejudice to the rights and contentions, the applicant is willing to deposit balance amount of Rs. 18 lakhs in the trial Court within a period of 6 months from the date of this order. Statement is accepted. The investigation is complete. The charge-sheet has been filed. The dispute between the applicant and the complainant prima facie pertaining to recovery of the outstanding dues. I am inclined to enlarge the applicant on

bail. No criminal antecedents are reported against the applicant. The applicant does not appear to be a flight risk. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Sunil Sahebrao Gagare in connection with C.R. No. 204 of 2023 registered with Mangalvedha police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(g) The applicant shall abide by the statement made above.

7. The application is disposed of.

(M. S. KARNIK, J.)