



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

BAIL APPLICATION NO. 3308 OF 2023

LAXMAN KASHINATH SHINDE

..APPLICANT

VS.

STATE OF MAHARASHTRA

THROUGH THE SENIOR INSPECTOR

OF POLICE AND ANR.

..RESPONDENTS

Adv. Sanjiv Sawant a/w Adv. B.K. Barve a/w Adv. Sandeep Barve a/w Adv. Sonali Patil i/b B.K. Barve and Co. for the Applicant.

Adv. Shital Tanpure for Respondent No.2.

Adv. Narayan Rokade for Victims.

Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 30, 2023

P.C. :

1. Heard learned counsel for the applicant and learned counsel for respondent No.2/victims and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 406, 420, 409, 417, 120-B read with 34 of the Indian Penal Code registered on 26/08/2023 vide C.R. No.181 of 2023 with Ozar Police Station, Nashik.

3. The complaint was initially filed by one Deepak Sudam Ugale. There are in all 3 accused. The applicant is accused

No.2. It is the case of the prosecution that the present applicant acted as a middleman between accused No.1 and the farmers who sold their grape crops to accused No.1. It is the accusation that the applicant introduced the accused No.1 to the farmers who had grape farms. Accused No.1 agreed to purchase the crops for the consideration decided. It is alleged that though the farmers handed over the grape crops to the accused No.1, accused No.1 did not pay their dues to the tune of Rs.75,51,539/-.

4. Learned APP and learned counsel appearing for seven of the victims opposed the application and submitted that it is the applicant, who is a local resident, responsible for introducing the farmers to accused No.1. Believing the assurance given by the present applicant, who is a local resident, these farmers handed over their grape crops to the accused No.1. In such circumstance, it is submitted that considering the magnitude of the amount involved and the fact that the poor farmers have been deprived of their payments as a result of the applicant conniving with the other accused, the present application should be rejected.

5. Learned counsel for the applicant submitted that the accused No.1 has already paid the outstanding amount to

the complainant. The accusations are mainly against accused No.1.

6. There is nothing on record to indicate that the applicant is the beneficiary of any amount. The applicant as a local person introduced the accused No.1 to the farmers. There is no possibility of the applicant absconding during the pendency of the trial. The investigation is complete and the charge-sheet has been filed. Further custody of the applicant can only be by way of a pre-trial punishment. There are no criminal antecedents reported against the applicant. The applicant can be enlarged on bail by imposing certain conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Laxman Kashinath Shinde in connection with C.R. No. 181 of 2023 registered with Ozar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 50,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating

Officer of Ozar police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) 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.

(f) 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.

(g) The applicant shall not leave the state of Maharashtra without prior permission of the trial Court after being released on bail, subject to further orders of the trial Court.

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

(i) The applicant shall surrender his passport, if any, to the investigating officer.

7. The application is disposed of.

(M. S. KARNIK, J.)