



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

BAIL APPLICATION NO. 3975 OF 2023

MAHESHKUMAR ARJUNRAO JAGDALE	..APPLICANT
VS.	
THE STATE OF MAHARASHTRA	..RESPONDENT

Mr. Amit Icham i/b Mr. Aashish Satpute, for the Applicant.
Ms. Rutuja Ambekar, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 15, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 406, 417, 420 of the Indian Penal Code, 1860 registered on 07/08/2022 vide C.R. No.292 of 2022 with Vimantal police station, Pune city.
3. The maximum punishment for the offence alleged is 7 years of rigorous imprisonment. The applicant was arrested on 07/08/2022. The applicant is in custody for more than 1 year and 4 months. The trial is not likely to conclude soon. The brief facts are that the applicant was working as a broker for sale of flats in respect of a project which was

developed by one Sharad Khandave. The complainant contacted the applicant to book a row-house in the project of the promoter. The applicant procured booking amount of Rs. 5,00,000/- and part sale consideration payment of Rs.19,80,000/- out of sale consideration of Rs. 56,00,000/- towards booking of a row-house no.18. Only Rs.3,00,000/- was deposited with the promoter by the applicant. The contention is that the complainant was cheated of Rs.53,30,000/-. The consideration which was paid to the applicant was not given to the promoter.

4. The investigation is complete. The charge-sheet has been filed. The applicant is in custody for 1 year and 4 months. The applicant cannot be incarcerated as and by way of a pre-trial punishment indefinitely. Learned APP while opposing the application submitted that the applicant has cheated 6 more investors. It is further submitted that the applicant be directed to deposit the amount. It is not possible to convert these into recovery proceedings. It is always open for the complainant to resort to appropriate remedies, civil or otherwise for recovery. In the facts and circumstances of the present case, I am inclined to enlarge

the applicant on bail. No criminal antecedents are recorded against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant - Maheshkumar Arjunrao Jagdale in connection with C.R. No. 292 of 2022 registered with Vimantal police station, Pune 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 Vimantal police station, Pune once in three months on every first Monday of the concerned month commencing from January 2024 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 attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(i) It is made clear that if the applicant is found indulging in the similar type of offence in future, the same shall afford a ground to the prosecution to apply for cancellation of bail.

5. The application is disposed of.

(M. S. KARNIK, J.)