



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

BAIL APPLICATION NO. 4071 OF 2023

1. RATNAKAR DYANDEO PAWAR
2. ASHOK PARSHURAM AHIRE ..APPLICANTS
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Ms. Shradha Sawant i/b Mr. Sharon Patole, for the Applicants.

Ms. Veera Shinde, APP for the State.

Mr. Arif Siddiqui a/w Adv. Yasin Nabi, for Complainant.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 21, 2023

P.C. :

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

2. This is an application for bail in respect of the offence punishable under sections 406, 420, 120B read with 34 of the Indian Penal Code, 1860 registered on 05/10/2019 vide C.R. No.814 of 2019 with Kondhwa police station, Pune.

3. There are in all 7 accused. The applicants are the accused nos. 4 and 7. The applicants were arrested on 23/06/2020.

4. The application is opposed by learned APP and learned counsel for the complainant. It is submitted that the

applicant no.1 is the employer and the applicant no.2 is the employee. It is also submitted that the complainant was made to part his hard earned money to the tune of Rs.1,64,16,387/- on the promise that the same will be invested on the assurance of handsome return. The FIR was registered on 05/10/2019. The applicants came to be arrested and thereafter enlarged on Covid bail. The applicants did not surrender within the time stipulated. Non-bailable warrant came to be issued and thereafter came to be arrested on 13/10/2023. Learned APP as well as learned counsel for the complainant submitted that the conduct of the applicants disentitle them from seeking any relief from this Court. Learned counsel for the applicants on instructions submitted that this happened due to some misunderstanding and the applicants had no intention of avoiding the process of the Court. Learned counsel on instructions and on behalf of the applicants tenders an unconditional apology for the lapse which according to her was not intentional due to a communication gap.

5. In the present matter, the investigation is complete. The charge-sheet has been filed. However, to show the

bonafides of the applicants, learned counsel for the applicants made a voluntary statement that the applicant no.1 is willing to deposit a sum of Rs.63,89,723/- with the trial Court within a reasonable time. Learned counsel for the applicants on instructions of the applicant no.1 as confirmed by the instructions of the applicant no.1's wife who is present in the Court undertakes to deposit 50% of the amount of Rs.63,89,723/- before the trial Court within a period of 6 weeks from the date of applicant no.1's release on bail. It is assured that the balance amount will be deposited within a period of 6 months from the date of the release of the applicant no.1. The statements made by the applicant no.1 are accepted as an undertaking to this Court. The applicant no.1 to file an affidavit within a period of 2 weeks from the date of his release that the amounts will be deposited in the time frame as stipulated hereinabove. The amount deposited be invested in a nationalised bank and shall abide by the orders passed by the trial Court. In such circumstances, I am inclined to enlarge the applicants on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant no.1- Ratnakar Dyandeo Pawar and applicant no. 2-Ashok Parshuram Ahire in connection with C.R. No. 814 of 2019 registered with Kondhwa police station, Pune shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more local sureties in the like amount.
- (c) The applicants are permitted to furnish cash bail surety in the sum of Rs. 25,000/- each for a period of 8 weeks in lieu of surety.
- (d) The applicants shall attend the investigating officer of Kondhwa 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. for a period of six months from their release.
- (e) The applicants 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 applicants shall not tamper with evidence.
- (f) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the

investigating officer and shall keep him updated, in case there is any change.

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

(h) The applicants shall surrender their passports to the investigating officer. If the applicants do not have passports, they shall file the affidavit to that effect.

(i) The applicants shall not leave the country without permission of the trial Court.

(j) It is made clear that the observations in the present order made are for the limited purpose of considering the question of bail.

6. The application is disposed of.

(M. S. KARNIK, J.)