



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO.818 OF 2023

Rajesh s/o Rupchand Nimbalkar Vs. State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms Aastha Shrama, Advocate h/f Shri P.R. Agrawal, Advocate
for applicant.
Shri M.J. Khan, APP for non-applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : SEPTEMBER 25, 2023.

The applicant seeks bail in Crime No.105/2023 registered with Police Station, Shegaon (Rural), District Buldhana for the offence punishable under Sections 420, 406, 409, 506, 507 and 120B of the Indian Penal Code.

2. Heard learned counsel for the applicant as well as learned APP for the non-applicant/State. I have gone through the charge-sheet.

3. Perusal of the charge-sheet transpires that one Rahul Chudhari on the pretext to give good market rate for the grains, purchased 530 quintal from the complainant – Akhilesh Subhash Shelke. Towards consideration a cheque of Rs.27,75,000/- was issued by him in favour of Akhilesh Shelke. However, said cheque was dishonored. When the complainant contacted him except assurance but he did nothing. Later on when the complainant came to know that

the co-accused Rahul Chudhari has also purchased agricultural produce from other persons and issued cheque to them, which were also dishonoured. Therefore, he lodged complaint with the police station on the allegation that he has been cheated by the accused - Rahul Chudhari. Therefore, on his complaint aforesaid offence came to be against co-accused Rahul Chudhari. The charge-sheet also transpires that Rahul Chudhari duped various villages in all to the tune of Rs.2 crores and odd amount.

4. The role assigned to the present applicant is that he used to deal with the villagers on behalf of the co-accused Rahul Chudhari. Thus, according to prosecution, the present applicant used to collect the agricultural product from the villages. Whereas the main role is assigned to the co-accused Rahul Chudhari. There are allegations that out of some amount of crime proceeds, the applicant has purchased the vehicles in his name. Those vehicles have already been seized by the police in this crime. The investigation is almost completed and nothing is required to be seized from the present applicant. The co-accused, namely, Mohan Ganorkar having similar role has been released on bail. In view thereof, the case is made out for exercising discretion in favour of the applicant. Accordingly, I proceed to pass the following order:

ORDER

- i. The criminal application is allowed.

ii. The applicant shall be released on bail on furnishing PR bond of Rs.50,000/- (Rupees fifty thousand only) with one solvent surety in the like amount.

iii. The applicant shall regularly attend the trial Court and cooperate the learned trial Court to complete the trial for the above offence. The applicant shall not seek adjournment, except under extreme circumstances to the satisfaction of the trial Court.

iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer.

v. In case of breach of any conditions, the learned trial Court is at liberty to cancel the bail after giving opportunity of hearing to both sides.

The application is disposed of.

JUDGE

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