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

986 BAIL APPLICATION NO. 184 OF 2024

RAMESH TULSHIRAM JADHAV
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sudarshan J. Salunke.
APP for Respondent/State : Mr. Satish A. Gaikwad.

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CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 29th February, 2024.

P.C.:

1 Heard.

2 Mr. Bharat Narayan Jetve, EOW, Jalgaon, is present before the Court.

3 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.49 of 2022, registered with Mehunbare Police Station, District Jalgaon for the offences punishable under Sections 420, 406, 409, 465, 467, 468 and 471 read with 34 of the Indian Penal Code.

4 It is alleged that the applicant and other accused misappropriated total amount of Rs.54,58,869/-. One Sudarshan Patil

lodged the report and averred that he went to deposit Rs.10,00,000/- on his account on 30th June, 2021, co-accused Nilesh Shinde, Bank correspondence, came there and asked the informant as to whether he has to deposit some amount. The informant said yes and he handed over that amount to Nilesh Shinde. In the evening, Nilesh handed over the informant a receipt of that bank, having seal of Bank of Baroda. Thereafter, after 7 to 8 days when the informant made phone call to Nilesh that informant required Rs.5,00,000/- form that bank, Nilesh said that he will come to the informant for getting cheque and withdrawing that amount. But, Nilesh did not turn to him. Therefore, he went to the bank on 10th July, 2021 and met with the bank manager Narendra Patil. Then Narendra Patil checked the bank account of the informant where Rs.2172/- were in balance. Then the informant asked Nilesh as to how that amount of Rs.10,00,000/- is not seen in his account. That time, Nilesh told the informant that he had not deposited that amount, but he deposited that amount in the bank account of farmer's crop loan, because they were paying Rs.5,000/- to him. That time, Nilesh said that I will repay the amount. Thereafter, when the informant tried to contact him, he did not respond. In the month of January, 2022, Nilesh said that within one month he will repay that amount. Then Nilesh handed over the informant cheque bearing No.1820100009490 and cheque No.000073 of Rs.5,00,000/- and Rs.4,50,000/-. He deposited that cheque. However, he could not realise that amount as there was no such amount. Then the informant realized that more than 31 persons' amount is duped by the applicant and other accused.

5 The learned counsel for applicant submitted that the applicant has roots in the society. He is at the verge of retirement. He has no criminal antecedents. The trial will take long period. The applicant is ready to deposit Rs.10,00,000/-, immediately to show his *bona-fides* and also ready to deposit Rs.4,00,000/- within one month from today. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. He was special officer in the bank. The applicant has participated in the crime. This can be revealed from the statements of witnesses. He pointed out the statements of witnesses and also the evidence recorded in the Trial Court. Considering the serious nature of crime and fact that entire amount of Rs.54,58,869/- is duped by this applicant and co-accused, it is lastly prayed to reject the application.

7 Perused the charge-sheet, particularly, the report and statements of witnesses as well as the evidence of witnesses recorded in the Trial Court. The applicant is ready to deposit Rs.10,00,000/- forthwith and also ready to deposit Rs.4,00,000/- within one month.

Considering *bona-fides* on the part of this applicant, his age and the fact that he has no criminal antecedents, he will not flee away from the trial and the trial will take long period, the application deserves to be allowed on certain stringent conditions. Hence, the following order:-

ORDER

I. The application is allowed.

II. The applicant in connection with Crime No.49 of 2022, registered with Mehunbare Police Station, District Jalgaon for the offences punishable under Sections 420, 406, 409, 465, 467, 468 and 471 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.1,00,000/- with surety of the like amount on following conditions:-

a) The applicant shall not pressurize the prosecution witnesses, in any manner.

b) The applicant shall not tamper with the prosecution evidence, in any manner.

c) The applicant shall deposit Rs.10,00,000/- in the Trial Court and after that the Trial Court is directed to accept the bail bonds and necessary papers and release the applicant on bail.

d) The applicant shall thereafter, deposit Rs.4,00,000/- within one month from today in the Trial Court.

e) If that amount is not deposited, the Trial Court can directly cancel the bail of this applicant without further reference to this Court and take him into magistrate custody.

f) After depositing the above amount, the same shall be kept in fixed deposit till the conclusion of trial and the Trial Court shall decide about its disbursement at the time of passing of the judgment accordingly.

[SANJAY A. DESHMUKH, J.]

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