



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

13 BAIL APPLICATION NO. 444 OF 2024

SANJAY SAKHARLAL CHOUDHARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Hrishikesh V. Tungar.
APP for Respondent/State : Mr. Rajdeep D. Raut.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 08th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.736 of 2022, registered with Nandurbar City Police Station, District Nandurbar, for the offences punishable under Sections 420, 120-B of the Indian Penal Code and under Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishment) Act, 1999.

3 The informant averred in the report that the applicant and his wife cheated four persons residing in area of Sakri Naka, Sai Baba Mandir, Nandurbar by running *Bhishi* (BC). The amount of Rs.20,80,000/- of the women residing in that area is duped. Therefore, the report was lodged.

4 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. His role is not spelled out from the report and the statements of witnesses. His two children are depending upon him. He has roots in the society. He has no criminal antecedents. He will attend the trial. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in serious crime. His wife is absconding. No any amount is seized at the instance of any of the accused. The poor and neighbouring women are cheated under the caption of *Bhishi* (BC). Considering huge amount of Rs.20,80,000/- duped by this applicant and his wife, the bail application deserves to be rejected. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. The report shows that the wife of applicant told to the informant and others that she and her husband are running *Bhishi* (BC). The cash amount was handed over in the presence of this applicant. The statements of witnesses show that there is *prima-facie* evidence against this applicant. Considering his role and the fact that he will pressurize the prosecution witnesses, tamper the evidence and may flee away from the trial like his wife, the application

deserves to be rejected. The applicant is not entitled for bail on the principle that bail is rule and jail is exception. The bail application is, therefore, rejected.

7 It is made clear that the above observations are *prima-facie* in nature for the purpose of deciding the present application only. The Trial Court shall not get influenced by the same during trial.

[SANJAY A. DESHMUKH, J.]

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