**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

10 BAIL APPLICATION NO. 1283 OF 2024

MUKESH DEVASHIBHAI KATHOROTIYA
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Dipesh Soni h/f Mr. Janrao Vishal Mohan.
APP for Respondent/s-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.
DATE : 21.10.2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned APP for the respondent/State.

2. The applicant seeks bail in Crime No.100 of 2021, registered with M.I.D.C. Police Station, District Jalgaon, for the offences punishable under Sections 406, 409, 420, 411, 120-B read with Section 34 of the IPC.

3. The prosecution has a case in brief that the applicant visited the M.I.D.C. area, Jalgaon pretending the manufacturers that they are also trading the same business. The applicant introduced himself as Pravinbhai Mukeshbhai and purchased the huge quantity of pulses. However, he did not pay the money of the goods purchased from various

manufacturers from M.I.D.C. Jalgaon. In investigation, it was transpired that trading and GST license were in the name of the applicant. His identity was also confirmed from the mobile phone numbers. The applicant allowed co-accused Arvind to use his GST number. Out of huge amount, a small amount was paid to the manufacturer and Rs.16,89,950/- was not paid. Since inception the applicant was intend to cheat the manufacturers. All accused have defrauded the manufacturers for Rs.45,66,888/-.

4. Learned counsel for the applicant would submit that the other co-accused have been granted bail. The applicant has no role to play in the case. In fact, he was a commission agent. However, the business was run in his name. The applicant is languishing in jail for sufficient time. Investigation has been completed. Since he has been behind bar, he could not arrange for money to show his bonafide. He is ready to co-operate with the trial. There are no antecedents to his discredit. It was just a failure of the business. Hence, it cannot be said that he had intention to cheat the complainant/manufacturers since inception. Considering the facts of the case and role attributed to him, he may be granted bail.

5. Learned APP would submit that the applicant had introduced the businessman/manufacturer under the false name. All accused were together. The applicant was the master mind behind the crime. He never introduced himself as a commission agent. A systematic fraud has been played under the guidance of this applicant who was the key person. However, the applicant has sold the goods to other person. Therefore, his case of failure of the business is incorrect. The offence is serious. Hence, he may not be granted bail.

6. During the course of investigation, it was come to the light that the applicant had sold the goods purchased from the manufacturers of Jalgaon. Therefore, it cannot be accepted that it was a failure of business. The applicant and other co-accused started disconnecting the manufacturers, so they got suspicion against the accused If he has sold the goods to other parties, he should be bonafide to intimate the manufacturers that he sold those goods, but did not receive money. The overall conduct of the applicant was doubtful. It can also be inferred from the fact that he has no intention to pay money to the manufacturer. It was a systematically planned offence. He has no explanation why he allowed the other co-accused to run

the business under his GST license. In the circumstances, the Court is not satisfied that the applicant deserves bail.

7. Hence, the bail application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-