

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1288 OF 2024

Ashish Ganesh Khadse @ Raut @ Patil

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Somnath S. Nagode h/f Mr. S.S. Jadhav

APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 30, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.100 of 2022 registered with Sillod Police Station, District Aurangabad for the offences punishable under Sections 420, 467, 468, 471 r/w 34 of the Indian Penal Code.
3. The prosecution has a case that the main accused contacted the middle man promising them that he would provide the employment to the unemployed. So, he collected a huge amount from the aspirants and sent them to the Sub-District Hospital, Pusad where the main accused Pankaj Kolhe asked the aspirants to meet the applicant, one Salve Saheb and Patil Saheb. The applicant joined them in services. Same was the modus operandi. After discharging

the duties for 30, 40, 45 days by the aspirants, the applicant and another co-accused asked them that their salary bills would be passed by the Zilla Parishad, Yavatmal and sent them back to home promising them that they would get fresh appointment orders and thereafter, they should join their services at those places. Under this premise, the applicant was arrested on 28.12.2023. He was sent to PCR and now, he is in MCR.

4. Learned counsel for the applicant would submit that nothing incriminating material has been recovered at the instance of the applicant. There is absolutely no evidence against the applicant that he was the beneficiary of the amount extracted from the aspirants. The investigation has been completed and charge sheet is filed. Hence, he may be granted bail.

5. Learned APP would submit that the stamps embossed on the fake appointment orders are to be recovered. The huge amount has been defrauded. Poor people have been cheated. The main accused Pankaj is still absconding. Hence, he may not be granted bail.

6. Absconding of the co-accused is no ground to refuse the bail. The Court has to consider the role attributed to the applicant seeking bail. The applicant is languishing in jail for about nine months. There is nothing to show on record that after sending the applicant to MCR, the investigation officer made further investigation

(3)

from the applicant by going to jail. The charge sheet has been filed. He has roots at his place of residence at Lakkadpura, Mahur, District Nanded. In view of completion of the investigation and no recovery of money from the applicant, the Court is of the view that he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Ashish Ganesh Khadse @ Raut @ Patil, be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that ;
 - (a) The applicant should not tamper with the prosecution witnesses and attend the trial on each and every date.
 - (b) The applicant shall not contact the other co-accused till the trial is concluded.

(S.G. MEHARE, J.)