



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 BAIL APPLICATION NO. 1290 OF 2024

RAJKUMAR SHANKAR SUTARE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Salunke Sudarshan J.

APP for Respondents-State : Mr. S. P. Sonpawale.

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CORAM : S. G. MEHARE, J.

DATE : 22.08.2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondents-State.
2. The applicant seeks bail in Crime No.374 of 2023, registered with Vazirabad Police Station, District Nanded, for the offences punishable under Sections 406, 409, 420, 120-B and 506 read with Section 34 of the IPC and Sections 3 and 4 of the M.P.I.D. Act.
3. It has been alleged against the applicant that he was the employee of the society run by his brother. His brother under the promise to pay the good returns by way of grains, clothes, machines, scooty etc. to the poor person on depositing certain amounts had collected huge money. Since the promises were

lucrative, the poor people fall prey and invested amount. His brother made a show for few days to give the returns. However, scheme was impracticable. Hence, it was not possible for him to pay the returns to the depositors. By passage of time, the unfounded scheme was collapsed and people started registering the crime against them. The applicant was the President of the society (Kamgar Sanghatna) run by his brother. It has been alleged against him that he was alluring the members of his association for depositing the amount in the society of his brother. The serious offence has been committed.

4. Learned counsel for the applicant submits that the applicant had no direct interest in the society run by his brother. He was just an employee discharging the duties as per the policy decisions of the institution. He is languishing in jail for one year. He has no antecedents to his discredit. Nothing is to be recovered from him.

5. Learned APP has strongly opposed the application. He has submitted that some documents were forged under the hand writings of the applicant and that investigation is going on. The Court put a question to the learned APP, "how many

times, the Investigating Officer went to the jail for inquiry about the forgery.” However, he had no information about it.

6. Perusal of the papers shows that he was just a employee working with the society of his brother. He was alluring the members of his union to deposit the money in the scheme run by his brother is a matter of evidence. Whether he was the direct beneficiary is also a question of fact to be decided on merit. The trial may take its time. His further detention would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **RAJKUMAR SHANKAR SUTARE** be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of like amount, on the following conditions :
 - (a) The applicant should not tamper with the prosecution witnesses.
 - (b) He should respond the Investigating Officer as and when called on written notice for the purpose of any new discovery or any

investigate facts till the conclusion of the trial.

(S. G. MEHARE, J.)

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vmk/-