



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1295 OF 2024

Girish Kumar Shah Ramji Shah

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. P.P. Giri, Advocate for applicant
Mr. Rajdeep Raut, APP for State
Mr. C.K. Chavan, Advocate for informant
.....

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 19th SEPTEMBER 2024

ORDER :

1. By this application filed under Section 439 of Code of Criminal Procedure, applicant seeks bail in Crime No. 0008 of 2023, registered with Jintoor Police Station, Dist. Parbhani, for offences punishable under Section 420, 468, 471 read with 34 of the Indian Penal Code.

2. Informant- Thakaji Kale lodged FIR alleging that he is well acquainted with Shri. Annasaheb Gotre, who is working as Trainer in S.T. Department. In the year 2018, he introduced him with his friends namely Sunil Prakash Logade and Suresh Gomase. They have pretended that they were working in the Income Tax Department. They also conveyed him that they used to provide jobs to needy persons in Railway Department. On

Bhagyawant Punde

their say, informant has arranged 26 persons and accepted certain amount from them. Co-accused- Sunil Logade and Suresh Gomase informed the informant that the applicant works in the Railway department and would be able to arrange jobs for candidates. As a result, all the candidates met applicant at the Railway Hospital in Kalyan. Appointment letters were then issued via email and post. Consequently, accused collected a substantial sum of Rs. 62,03,000/- from the candidates. Later, the informant came to know that Sunil Lodgade, Suresh Gomase and the present applicant have cheated them by giving forged appointment letters of the Railway Department.

3. Heard learned advocate for applicant, learned APP for State and learned advocate for informant. Perused the investigation papers and charge sheet.

4. Pursuant to the registration of crime, applicant came to be arrested on 04.05.2024. Charge sheet in the present crime is filed on 28.06.2024. It is necessary to mention here that only applicant is arrested in the present crime. Accused No. 2 was granted anticipatory bail by the Trial Court and against Accused Nos. 3 to 6 charge sheet is filed under Section 299 of Cr.P.C.

5. Learned APP and learned advocate for informant

strenuously opposed the application contending that applicant is mastermind of the crime and he has received entire proceeds of crime. They therefore submit that let the applicant deposit an amount of Rs. 54,54,500/- as a condition for releasing him on bail. Further submission is that the applicant is resident of Bihar State and his presence cannot be secured for the purposes of trial.

6. According to the applicant, he has already returned the amount of Rs. 22,85,000/- by way of bank transfer to the informant. To show his *bonafides* applicant has offered to deposit an amount of Rs. 12,00,000/- in the Trial Court without prejudice to his rights and contentions. Affidavit to that effect is filed by wife of the applicant stating that by selling ornaments she has arranged the said amount.

7. Considering the fact that charge sheet is filed in the present crime and remaining accused persons are yet to be arrested, applicant need not be detained for indefinite period. Trial is not likely to commence and conclude in the near future. Investigation is still going on and on arrest of remaining accused persons, prosecution will be filing supplementary charge sheet in the matter, but that cannot be a ground to deny bail to the

applicant. Appropriate conditions can be imposed to secure presence of the applicant at the time of trial. In the result, following order:

ORDER

- i) Bail Application No. 1295 of 2024 is allowed.
- ii) Applicant- Girish Kumar Shah Ramji Shah be released on bail on furnishing Personal Bond of Rs. 1,00,000/- with one surety in the like amount and on depositing Rs. 12,00,000/- in the Trial Court, in Crime No. 0008 of 2023, registered with Jintoor Police Station, Dist. Parbhani, for offences punishable under Section 420, 468, 471 read with 34 of the Indian Penal Code.
- iii) Applicant shall furnish his residential address, where he intends to stay while on bail and his phone number to the investigating officer.
- iv) Applicant shall also inform the investigating officer about nearest police station of his residence and shall attend the said police station once in a week on Sunday until further orders.
- v) Applicant shall surrender his passport, if any, and shall not travel abroad without permission of the Trial Court.
- vi) Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]