



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 BAIL APPLICATION NO. 1392 OF 2024

BHARAT SHIVAJI KADAM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. V. D. Sapkal (Senior Counsel) i/b
Mr. Jadhav Mangesh R.

APP for Respondent/s-State : Mr. A. S. Shinde.

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CORAM : S. G. MEHARE, J.
DATE : 09.09.2024

PER COURT :-

1. Heard the learned senior counsel for the applicant and learned APP for the respondent-State.
2. The applicant seeks bail in Crime No.39 of 2024, registered with Virgaon Police Station, District Aurangabad, for the offences punishable under Sections 420, 465, 467, 471, 417, 120-B read with Section 34 of the IPC.
3. It has been alleged against the applicant that the applicant has impersonated himself a *Sarpanch* and submitted the sample signatures to the bank with another impersonated *Gram Sevak*, who is still absconding. It has also been alleged against the applicant that he also opened the forged accounts in the names of the contractors and withdrew a huge amount.

It has also been alleged against him that he has forged and falsely prepared the resolution of the Village Panchayat. He was arrested on 26.03.2024 and in the month of May 2024 charge sheet has been filed.

4. Learned senior counsel for the applicant would submit that though *prima facie* material is available against the applicant, the prosecution has to satisfy for his further custody because the trial may take its time. The applicant has roots in his village. After filing the charge sheet, he was never interrogated. The investigation is based upon the documentary evidence, which the applicant cannot disappear or tamper.

5. Learned APP has strongly opposed the application. He would submit that the investigation is in progress. However, he could not satisfy the Court what further investigation has been done after the arrest of the applicant and filing the charge sheet. It seems that the Investigation Officer has merely sent the reply to him stating that investigation is in progress. He also states that the another co-accused is absconding.

6. Perused the papers. The investigation has been completed. Nothing is to be recovered and discovered from the applicant. Abscondance of one of the co-accused is no ground to refuse the bail. The Court does not see any ground

to detain him in jail. The prosecution even cannot ensure the speedy trial. Therefore, he deserves bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant **BHARAT SHIVAJI KADAM** be released on bail on furnishing PB. 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 attend the Police Station as and when called by the Investigating Officer on written notice, if he wanted to make the further investigation for next six months.

(S. G. MEHARE, J.)

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vmk/-