



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 445 OF 2024

GAJANAN DATTATRAY GORE

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Sanjeev P. Kadam a/w Mr. Sachin B. Chandan,
Mr. Sumitkumar S. Nimbalkar and Ms. Kalpana V. Chate, for
the Applicant.

Mr. S.H. Yadav, APP for the State.

Mr. Ganesh Gole, for Intervener.

CORAM : M. S. KARNIK, J.

DATE : APRIL 01, 2024

P.C. :

1. Heard learned counsel Shri Kadam appearing for the applicant, learned counsel Shri Gole appearing for the Intervener and learned APP for the State.
2. Learned counsel Shri Gole appearing for the intervener and learned APP vehemently opposed the application.
3. This is an application for bail in respect of the offence punishable under Sections 406, 408, 420, 467, 468, 471, 504, 506, 34 Indian Penal Code, 1860 registered on 27/08/2023 vide C.R. No. I-652 of 2023 with Satara City

Police Station. The applicant was arrested on 17/08/2023.

4. It is the allegation that the informant runs Satara Advertising Company and I-Can Training Institute. I-Can Training Institute is having its several branches at several places in Maharashtra. Through the Advertising company, the informant does market work like bulk messages, WhatsApp messages, creating a website, Facebook marketing, white call marketing etc. The applicant was employed as a business development manager for the purpose of both these institutes. The informant was paying Rs.10,000/- to 30,000/- per month to the applicant. The informant started a residential academy at Talegaon Dabhade. The applicant was looking after this branch as a business development manager. Basically, it is the allegation that an amount of Rs.1,66,00,000/- was siphoned off by the accused from the legitimate funds belonging to the informant.

5. The affidavit-cum-undertaking dated 22/03/2024 has been filed by the applicant voluntarily which is duly affirmed by the applicant which reads thus :

"I, Mr. Gajanan Dattatray Gore, Age: 31 years, Occ: Business, Residence at:154, Block, Somwar Peth, Near Datta Mandir, Satara presently at Central Prison of Kalamb, Dist: Kolhapur, do hereby state on solemn

affirmation as under:-

1) I say that, I undertake to deposit 25,00,000/- (Twenty Five Lakhs Only) within 5 months Before this Hon'ble Court for showing my bonafide Before this Hon'ble Court.

2) I say and undertake that, I will not use the name of I Can Institute.

3) I further say and undertake that, I will also not use a logo of I Can Institute for my person as well as business purpose.

Whatever stated hereinabove is true to my knowledge, which I believe to be true and correct for which I sign herein under."

6. The statements made in the affidavit-cum-undertaking are treated as an undertaking to this Court. Learned counsel for the applicant on instructions submitted that the applicant is willing to abide by the statements made in the affidavit. The statements are accepted. It is expressly made clear by learned counsel for the applicant on instructions of the applicant that in the logo of "JAMAKA" which is used by the accused, the words "ICAN TRAINING INSTITUTE PVT LTD" will not be used. The statement is accepted. There are no criminal antecedents reported against the applicant. The applicant was arrested on 17/08/2023. The trial is likely to take a long time to conclude. Further custody will only be by way of a pre-trial

punishment in the facts and circumstance of the case. The applicant will face the consequences post-trial if found guilty. The applicant is in custody for more than 7 months with no possibility of the trial concluding any time soon. The investigation is complete. The charge-sheet has been filed. The applicant can be enlarged on bail. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Gajanan Dattatray Gore in connection with C.R. No.I-652 of 2023 registered with Satara City Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Satara City Police Station once in three months on every first Monday of the concerned month commencing from May 2024 between 11.00 a.m. and 1.00 p.m.
- (e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

(h) The applicant shall abide by the statements made in the affidavit.

(i) The amount of Rs.25 lakhs be deposited in the trial Court instead of this Court which shall abide by the final outcome of the trial Court's order. It is open for the trial Court to invest the amount in any nationalised bank.

7. The application is disposed of.

(M. S. KARNIK, J.)