

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

BAIL APPLICATION NO.741 OF 2024

Kedarnath *alias* Babalu Jagannath Bidave

.Applicant

Versus

The State of Maharashtra & anr.

.Respondents

Mr. Sachinkumar Raje-Pandhare, Advocate, for the Applicant.

Mr. S. S. Chaudhari, APP, for Respondent No.1 – State.

Mr. A. B. Tajane a/w. Mr. Y. A. Tajane, Advocate, for Respondent No.2

CORAM: MADHAV J. JAMDAR, J.

DATE: 11.03.2024

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1. Heard Mr. Raje-Pandhare, learned Counsel appearing for the Applicant, Mr. Chaudhari, learned APP appearing for Respondent No.1 -State and Mr. Tajane, learned Counsel appearing for Respondent No.2.
2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	735 of 2023
2.	Date of registration of F.I.R.	01.12.2023
3.	Name of Police Station	City Police Station, Pandharpur
4.	Sections invoked	406, 420 r/w. 34 of the I.P.C., 1860
5.	Date of incident	28.05.2023
6.	Date of arrest	31.01.2024

3. As per the prosecution case, the Accused agreed to purchase 500 quintals of Sugar from the informant and accordingly, assured him of payment of outstanding amount of Rs.18,27,000/-. However, in spite of supply of sugar as agreed, the Accused failed to transfer an amount of Rs.18,27,000/- to the informant's account and sold the sugar to the Accused – Akshay.

4. It is the contention of Mr. Raje-Pandhare, learned Counsel appearing for the Applicant that the Applicant is an agent and the main transaction is between Respondent No.2 and Accused No.3. He submitted that Accused Nos.2 & 3 have already been granted bail by the learned Trial Court. In any case, he submitted that the offence is punishable under Sections 406, 420 r/w. 34 of the *Indian Penal Code, 1860*. The total balance amount is Rs.18,27,000/- and the Accused No.3 has already paid an amount of Rs.4,50,000/- to the Respondent No.2. On instructions, he submitted that the Applicant has already given a cheque of the remaining amount of Rs.13,77,000/- to the Respondent No.2 without prejudice to his contention that he is not liable to pay the said amount. He, therefore, submitted that as investigation is complete, the Applicant may be released on bail.

5. Mr. Chaudhari, learned APP appearing for Respondent No.1 – State vehemently opposed the Bail Application. However, on taking

instructions, he submitted that investigation is almost complete. There are no antecedents.

6. The trial is likely to take a considerably long time. The Charge-sheet is already filed. Other Accused have already been enlarged on bail.

7. The Applicant does not have any criminal antecedents.

8. The Applicant does not appear to be at risk of flight.

9. Accordingly, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

(a) The Applicant - Kedarnath *alias* Babalu Jagannath Bidave be released on bail in connection with C.R. No.735 of 2023 registered with the City Police Station, Taluka - Pandharpur on his furnishing P.R. Bond of Rs.25,000/- with one or two local solvent sureties in the like amount.

(b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(c) The Applicant shall report to the City Police Station, Taluka - Pandharpur on the first Sunday of every month

between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.

(d) 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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie* and the Trial Court shall decide the case on its merits, uninfluenced by the observations made in this order.

[MADHAV J. JAMDAR, J.]