IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1362 OF 2024

Yash Manoj Godbole .... Applicant
versus
The State of Maharashtra .... Respondent

…....

- Mr. Priyal G. Sarda a/w Seema Dighe a/w Shubham S. Sane, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd MAY, 2024

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.326/2023, dated 09/06/2023, registered with Vijapur Naka Police Station, Solapur City, under sections 120-B, 170, 171, 420, 467, 468, 471, of the Indian Penal Code. The Applicant was arrested on 26/07/2023 and since then he is in custody. The investigation is over and the charge-sheet is filed.

2. Heard Mr. Priyal G. Sarda, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

MANUSHREE NESARIKAR Digitally signed by MANUSHREE NESARIKAR Date: 2024.05.07 15:09:21 +0530

3. The FIR is lodged by one Shrishailkumar Hadimani. He was residing in USA. He formed partnership with his cousin Revansiddha at Solapur. He used to visit India frequently. It is alleged that in August 2018, the informant and his cousin Revansiddha had gone to a hotel. There, they met the main accused Manoj, who is the Applicant's father. Manoj represented to the informant that he was Nayab Tahasildar. He showed an identity card. He told the informant that since he was working as a Nayab Tahasildar, he was in a position to get the land at lesser price after paying the Government dues. He was in a position to give Government lands and private lands in this manner. The FIR thereafter mentions that from August 2018 upto September 2022, the main accused Manoj accepted different amounts from him on the pretext of getting lands situated at Solapur, Hadapasar, Mundwa, Ramtekdi etc. For that purpose, he had sent forged orders purportedly issued by Government department through WhatsApp messages. The informant was made to deposit certain amount in the account by name 'Government Litigation of Mastery Bank of Maharashtra'.

Everything was fraudulent and in that process the informant lost Rs.4 Crores. The allegations in the FIR against the present Applicant are that on 08/12/2022, the informant and his cousin went to the house of the main accused Manoj. At that time, he was not in the house, but his wife Radha, his son i.e. the present Applicant and his other son Sachin were present. At that time, the informant had told them that he was planning to lodge FIR against him. But he was requested not to do so by the Applicant and other family members. Even thereafter, money was not returned and the informant has lodged this FIR for the loss of Rs.4 Crores.

4. Learned counsel for the Applicant submitted that the Applicant’s date of birth is 28/08/2000. Therefore, when the informant met the Applicant’s father for the first time, the Applicant was 18 years of age. The FIR and the informant’s story shows that the Applicant’s father had made all the representations, had sent all the forged documents on WhatsApp and had taken money. The Applicant had not made any representation or false inducement to the informant. The

Applicant was employed with a reputed software company since 30/12/2022. From that date onwards, till 27/02/2023, he was posted at Chennai and thereafter he was transferred back to Pune. Therefore, during all this time, the Applicant was gainfully employed and had played absolutely no part in the entire offence. In fact, the bank account which is the subject matter of allegations against him, was opened as a minor's account by the Applicant's father, who was using that particular account for his personal transactions. For that purpose, the Applicant's father was using his own mobile phone.

5. Learned APP submitted that the amount of almost Rs.65 lakhs was transferred by the Applicant's father in the Applicant's bank account. All this amount was then transferred to other accused namely Aditi Gosavi, Bibhishan Londhe, Sonu Surte, Sarvade, Jetithor, Abhi Dolse, Shubham Gaikwad, Londhe and one Yuvraj. She also invited my attention to the Panchanama drawn pursuant to statement given by the present Applicant u/s 27 of the Evidence Act. That memorandum Panchanama is dated 28/07/2023. From that Panchanama it is

transpired that the folder in the laptop was opened wherein forged documents and copies of forged Identity Cards were stored. She submitted that therefore there is direct involvement of the present Applicant. The offence is serious and therefore he may not be released on bail.

6. I have considered these submissions. As far as the memorandum Panchanama u/s 27 of the Evidence Act dated 28/07/2023 is concerned, the Applicant had stated that his father's mobile phone used to get hanged on many occasions and therefore his father had told him to store the data from the Applicant's father's mobile phone in the laptop used by the family members. Since the Applicant was well versed in handling the computers, he had transferred data from his father's mobile phone to that laptop. Pursuant to the statement, these folders mentioned hereinabove were found by the investigating agency containing the documents. One of the folders was named as 'Papa'. Some documents were stored in that folder. Thus, what was found from the laptop, was the data transferred from the Applicant's father's mobile phone. To that

extent, there is substance in the submission of learned counsel for the Applicant that everything was done by the Applicant's father. In this case, the Applicant appears to have merely transferred the data from his father's mobile phone. That by itself will not show his knowledge and complicity in respect of the offence.

7. The other allegation of receiving Rs.65 lakhs in the account also cannot be a sole consideration against the Applicant for denying bail to him. The said amount had come to his account from his father's account. It was not directly deposited by the informant or anybody else. The said amount of Rs.65 lakhs was distributed to various accused. The case of the prosecution itself is that the main accused Manoj has paid various amounts to all the abovenamed persons. In fact, the investigating agency has recorded memorandum statement of the main accused Manoj in the behalf. Therefore, again this appears to be done by the main accused Manoj. For that purpose, the Applicant's bank account was used.

8. As pointed by learned counsel for the Applicant, in the year 2018, when the Applicant's father had made false representation and since that date the offence was committed, as a continuing process. The Applicant was merely a minor. Thereafter he was gainfully employed in a reputed software firm. He worked at Chennai for about two months and then he was transferred to Pune. Therefore, even in that behalf it does not appear that the Applicant had taken any specific part in this offence. As mentioned earlier, the FIR is very specific that the representation was made by the Applicant's father. Various amounts were taken by the Applicant's father. The Applicant is already in custody since 26/07/2023. The investigation is over. The Applicant is a well educated young person of 23 years of age. Further custody of the Applicant will only ruin his future. His further custody in the aforesaid circumstance is not necessary. He can be released on bail.

9. Hence, the following order :

O R D E R

(i) In connection with C.R.No.326/2023, dated 09/06/2023, registered with Vijapur Naka Police

Station, Solapur City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

(ii) Bail application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)