

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

CRIMINAL BAIL APPLICATION NO. 1720 OF 2024

Avinash Basantrao Bhosale

...Applicant

Vs.

The State of Maharashtra and Others

...Respondents

Mr. Viresh Purwant with F. Rizvi and S. Gadkari, for the applicant.

Mr. S. M. Mangaonkar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 22nd AUGUST, 2024

PC:-

1) Heard.

2) By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No. 6 of 2016, registered with Pangari Police Station, Solapur, for the offences punishable under Sections 409, 420, 406 and 418 read with Section 34 of the Indian Penal Code, 1860.

3) The learned Counsel for the applicant makes a statement that the allegations against the applicant are that he has not made payment of certain agriculturists against the agricultural products supplied by the farmers. It is submitted that after taking over of the factory by the subsequent purchaser, he made the payment to more than 90% of the farmers.

4) The matter was from time to time adjourned to verify the said statement. However, even till date, there is no statement made by the learned APP in that regard. The applicant is in jail from more than three years and three months and the charge-sheet has been filed.

5) The learned APP is opposing the application on the ground that the amount is not yet recovered. The Hon'ble Supreme Court of India time and again said that the Police or Courts are not the recovery agents. In the circumstances, the ground that the amount involved in the alleged offence has not yet recovered, cannot be a ground for denying the bail.

6) Considering the period of incarceration and the statement made by the learned Counsel for the applicant that the payment of more than 90% of farmers has been made by the subsequent purchaser of the factory, and further the fact that the charge-sheet has been filed, I am of the opinion that the further custody of the applicant is not required.

7) The learned Counsel for the applicant undertakes to co-operate the trial Court and conclude the trial at the earliest. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 6 of 2016, registered with Pangari Police Station, Solapur, for the offences punishable under Sections 409, 420, 406 and 418 read with Section 34 of the Indian Penal Code,

1860, on furnishing P.R. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;

iii The applicant shall attend the said Police Station on 1st day of every month between 12.00 noon to 2.00 p.m., till the conclusion of the trial except on the date of trial;

iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]