

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

CRIMINAL BAIL APPLICATION NO.1730 OF 2024

Ganesh Vitthal Jadhav Applicant

versus

The State of Maharashtra Respondent

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- Mr. Sudhir C. Halli, Advocate for Applicant.
- Ms. Mahalakshmi Ganapathy, APP for the State/Respondent.

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

P.C. :

1. Matter not on board. Taken on production board as it is one of the companion matters, which are listed together on today's board. The APP has instructions in this matter.

2. 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 420, 467, 468, 471, 120-B of the Indian Penal Code. The Applicant was arrested on 17/11/2023 and since then he is in custody. The charge-sheet is filed.

3. Heard Mr. Sudhir C. Halli, learned counsel for the Applicant and Ms. Mahalakshmi Ganapathy, learned APP for the State.

4. The prosecution case as mentioned in the charge-sheet is as follows:

The first informant Shrishailkumar Hadimani was residing in USA. He wanted to purchase some land in Solapur. The main accused Manoj Godbole extracted Rs.4 Crores from the informant. He had represented to the informant that he was a Nayab Tahsildar and he was aware of many lands which could be purchased by the informant by paying dues of the Government on those lands. It was a false representation. Forged permission bearing Government seals were sent by telephonic messages to the informant. It was fraudulent. The informant had lost his money. On this basis, the FIR is lodged.

5. Learned counsel for the Applicant submitted that the only material against the present Applicant in the entire charge-sheet is the memorandum statement made by the accused

Manoj. Pursuant to which, he had led the police officers to the house of the present Applicant and his mother. However, there was no recovery effected at that time. He was arrested on suspicion. Even during investigation, there was no recovery from the present Applicant. The allegations are false. There were separate transactions between the Applicant's mother and Manoj and therefore, Manoj was trying to implicate the Applicant and his family. He further submitted that the investigating agency had not opposed anticipatory bail application of his mother and she was protected u/s 438 of Cr.P.C. Therefore, on the ground of parity, the Applicant also deserves to be released on bail.

6. Learned APP submitted that in addition to the memorandum statement of Manoj, there is statement of one Suraj Surte, who had given Rs.1.5 lakhs to the present Applicant.

7. I have considered these submissions. As far as the memorandum statement of Manoj is concerned, it had not led to any recovery from the present Applicant. The Applicant was

arrested. But even after thorough investigation, nothing was recovered from him. Money was transferred by Surte could be pertaining to a different transaction. The amount involved is much lesser. The Applicant's mother is granted anticipatory bail. The Applicant deserves relief on the principles of parity as well. Therefore, in this background, the Applicant deserves to be released on bail.

8. Hence, the following order :

ORDER

- (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.)