

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

**CRIMINAL BAIL APPLICATION NO.1108 OF 2024
WITH
INTERIM APPLICATION NO.1920 OF 2024
IN
CRIMINAL BAIL APPLICATION NO.1108 OF 2024**

Nilesh Nivrutti Zimbal

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Ritesh Thobde (appeared through VC) a/w Ankita Pramod Rai a/w Changdev Shingade a/w Zubi Ansari, Advocate for Applicant.
- Smt. Madhavi H. Mhatre, 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, 419, 420, 467, 468, 471, 472, 201 of the Indian Penal Code. The Applicant was arrested on 30/11/2023 and since then he is in custody. The charge-sheet is filed.

2. Heard Mr. Ritesh Thobde, learned counsel for the Applicant and Smt. Madhavi H. Mhatre, learned APP for the State.

3. 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.

4. Learned counsel for the Applicant submitted that there is absolutely no evidence against the present Applicant except that his name is mentioned in the memorandum statement given

by the main accused Manoj u/s 27 of the Evidence Act. In spite of sufficient opportunity, there was no recovery at his instance. In short, there is no evidence against him.

5. Learned APP tried to oppose this application. Though she conceded that beyond his name being mentioned in the memorandum statement, there is no evidence against him.

6. I have considered these submissions. The said memorandum statement is recorded on 09/06/2023. In that case, the main accused Manoj had taken the police to various places, where the alleged accused were staying and had their offices. According to the main accused Manoj, he had given some of the amount to them, which he had received in this offence. As far as the present Applicant is concerned, there is a vague statement in the said memo that he had given some amount to the present Applicant and 4 to 5 others. He has stated that he did not know the residential address of the present Applicant. This is the only material against the present Applicant. As can be seen, it is very vague. The evidence against the accused is quite weak. It is difficult to believe that the main

accused Manoj would give certain amount to the present Applicant, when he did not know residential address of the present Applicant. The charge-sheet is already filed. The investigating agency had sufficient opportunity to interrogate the present Applicant. In this view of the matter, further custody of the Applicant is absolutely not necessary. He can be released on bail.

7. 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.
- (iii) Connected Interim Application is also disposed of.

(SARANG V. KOTWAL, J.)