

IN THE HIGH COURT OF JUDICATURE AT BOMBAYCRIMINAL APPELLATE JURISDICTIONCRIMINAL BAIL APPLICATION NO. 230 OF 2024

Yogesh Prabhakar Ahire ... Applicant.

V/s.

The State of Maharashtra ... Respondent.

Mr Anish Desai a/w Kunal Kamble, Advocate for Applicant

Shri PH.Gaikwad-Patil, APP for the State.

PC-942 Wasim Shaikh, EOW, Solapur City.

CORAM : ANIL S. KILOR, J.

DATED : SEPTEMBER 05, 2024.

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1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.213 of 2023, registered with Vijapur Naka Police Station, Solapur City for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code.
3. In the present matter, having gone through the charge-sheet and the relevant material available on record, *prima-facie*, it is evident that the promise in respect of providing gold coins at a cheaper rate was made by the co-accused Jyoti and her husband.

The co-accused while making such promise informed the complainant that the applicant is the source who will provide such gold coins at a cheaper rate. However, there is no material to show that the applicant himself made any promise to the complainant or assured her for giving gold coins at a cheaper rate.

4. Moreover, the learned APP, while opposing the application, has pointed out that certain cheques were issued by the applicant's company viz. Ajanta Traders, which were seized by the police during the investigation. However, it is a matter of trial that those cheques were issued against promise as in the statement of the husband of the complainant there is no role attributed to the applicant.
5. In the circumstances, considering the fact that the charge-sheet has been filed and further the period of incarceration of the applicant which is more than one year, I am of the opinion that further custody of the applicant is not necessary.
6. The learned APP has pointed out that there are 8 investors who have invested the money and have filed criminal complaints against the applicant.

7. In reply the learned counsel for the applicant submits that now in the said matters the applicant is released on bail.
8. Thus, considering the fact that the charge-sheet has been filed and the applicant is in jail from last one year and that there are no allegation as regards the promise made by the applicant to the complainant, I pass the following order:
 - i) The Criminal Application is allowed.
 - ii) It is directed that the applicant shall be released on bail in connection with Crime No.213 of 2023, registered with Vijapur Naka Police Station, Solapur City for the offences punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, on furnishing PR.Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
 - iii) The applicant shall attend the concerned Police Station on first day of every month between 10:00 a.m. and 11:00 a.m., till 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 for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)