

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

CRIMINAL BAIL APPLICATION NO. 857 OF 2024

Tushar Gokul Zende

...Applicant

Vs.

The State of Maharashtra

...Respondent

Mr. Sachin Khandagale, Advocate for Applicant.

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

Mr. Shreeram Palave, PSI, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 19th SEPTEMBER, 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. 421 of 2023 registered with Saswad Police Station Pune, for the offences punishable under Sections 408, 420, 465, 468, 469 and 471 of the Indian Penal Code, 1860.

3) The allegations against the applicant in the present matter are that while working as an employee of the informant he opened an bank account in a name similar to the company of the informant by forging the documents. Further it is alleged that persons who have given cheques in

the name of the informant's company were deposited by the applicant in his own company's account.

4) The investigation shows that while opening the bank account with the similar name as of the name of the company of the informant, it was not opened by furnishing fabricated documents, but the documents, namely the Adhar Card and other documents of the applicant were submitted to the bank.

5) It is the case of the applicant that the alleged 15 cheques were received by him towards his own business transactions were not of the informant.

6) Considering the said argument, a specific query was made to the learned APP whether the statements of those 15 persons, who have allegedly issued cheques in the name of the company of the informant, were recorded. Thereupon the learned APP, on instructions, from the PSI Saswad police station, who is present in court, replied in negative.

7) In the circumstances, prima facie, it is difficult to say that the cheques deposited by the applicant in his account were issued to the informant.

8) Moreover, the charge-sheet has been filed and considering the fact that the applicant is in jail from last one year and furthermore, the civil suit is filed by the informant against the applicant, I am of the opinion that the applicant is entitled for grant of bail. Hence, I pass the following order.

ORDER

- (i) Bail Application is allowed and disposed off;
- (ii) It is directed that the applicant shall be released on bail in Crime No. 421 of 2023 registered with Saswad Police Station Pune, for the offences punishable under Sections 408, 420, 465, 468, 469 and 471 of the Indian Penal Code, 1860, on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend said Police Station on 1st and 16th day of every month between 12.00 noon and 2.00 pm till conclusion of 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 for cancellation of bail in case Applicant breaches any of the conditions and/or 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.

(ANIL S.KILOR, J.)