

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

CRIMINAL BAIL APPLICATION NO. 978 of 2024

Jayesh Sanjay Adulkar	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Hrishikesh Mundargi i/by Swarali Joglekar for the Applicant.

Mr. Avinash Naik, APP for State.

API Mr. N. M. Atkare, Saswad Police Station Pune is present.

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by D.A.ETHAPE
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CORAM	:	N. J. JAMADAR, J.
DATE	:	18th JUNE 2024

PC.:

1. Heard the learned Counsel for the Applicant and learned APP for the State.
2. This is an application for bail in C.R. No. 0444 of 2022 registered with Saswad Police Station, Pune (Rural) for offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860.
3. The indictment against the applicant is that the applicant had induced the first informant and the witnesses/victims to part with a sum of Rs.19,44,000/- by making a false representation

that he would procure vehicles at a concessional rate. The applicant committed default in delivering the cars. When the first informant and the victims demanded repayment of the amount, the applicant had drawn cheques, which were eventually dishonoured on the presentment.

4. Learned Counsel for the applicant submitted that the applicant came to be arrested on 4th October 2023. Out of the allegedly, defrauded amount of Rs.19,44,000/-, a sum of around Rs.3,90,000/- has been repaid to the first informant. In respect of the cheques, which have been dishonoured, the payees have lodged complaints under Section 138 of the Negotiable Instruments Act, 1881. Since the applicant has been in custody for almost 10 months, further detention of the applicant is unwarranted.

5. The learned APP resisted the prayer for bail. It was submitted that there is ample evidence to establish the complicity of the applicant. Therefore, the applicant may not be released on bail.

6. The offence punishable under Section 420 of the Indian Penal Code, 1860 entails punishment which may extend upto

seven years. The applicant has been in custody since 4th October 2023. Investigation is complete for all intent and purpose.

7. The question as to whether the intention of the applicant was dishonest since inception of the transaction or was it a case of failure to perform the promise, may warrant consideration at the trial. Having regard to the nature and gravity of the offences and the period of incarceration, further detention of the applicant is unwarranted. I am, therefore, inclined to exercise discretion in favour of the applicant. Hence, the following order:-

ORDER

- (i) The application stands allowed.
- (ii) The applicant-Jayesh Sanjay Adulkar be released on bail in C.R. No. 0444 of 2022 registered with Saswad Police Station, Pune (Rural), on furnishing a PR. Bond in the sum of Rs.30,000/- with one or two sureties in the like amount, to the satisfaction of the trial Court.
- (iii) The applicant shall mark his presence at the concerned police station on the first Monday of every month in between 10.00 am. to 12.00 noon for the period of two years or till

conclusion of the trial, whichever is earlier.

(iv) The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

(v) The applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.

(vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.

(vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application disposed.

(N. J. JAMADAR, J.)