

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

**CRIMINAL BAIL APPLICATION NO.1124 OF 2024
WITH
INTERIM APPLICATION NO. 1473 OF 2024**

Rachit Deviprasad Tiwari

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kuldeep Nikam a/w Om Latpate & Rajesh Waghmare , Advocate for the Applicant.

Ms. S.M. Yadav, APP for Respondent- State.

Mr. Ghanshyam Jadhav, for Intervenor.

Mr. Snehdeep Ramchandra Nandgude, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 26th July 2024

P. C.:

1. Heard Mr. Kuldeep Nikam, learned Counsel for the Applicant, Ms. Yadav, learned APP and Mr. Ghanshyam Jadhav, learned Counsel appearing for the Intervenor.
2. The relevant details of this regular Bail Application preferred under Section 439 of the *Code of Criminal Procedure, 1973* are as follows:

1.	C.R. No.	689 of 2023
2.	Date of registration of F.I.R.	17th September 2023
3.	Name of Police Station	Baramati, District-Pune
4.	Sections invoked	420, 467, 468, 474, 471, 423 r/w 34 of the <i>Indian Penal Code, 1860</i> .
5.	Date of incident	August 2019 to November 2020

6.	Date of arrest	11th October 2023
7.	Date of filing Charge-sheet	6 th January 2024

3. The prosecution case is set out in paragraph No.2 of the Order dated 4th March 2024 passed by the learned Additional Sessions Judge, Baramati, below Exhibit 1 in Criminal Bail Application No.202 of 2024 filed by the present Applicant i.e. the Accused No.3. The said paragraph No. 2 reads as under:

“02. Essential ingredients of FIR dated 17.09.2023 are that, on 17.09.2023 informant is running a Company by name Unique Fire and Safety Services at Baramati. Informant was in need of finance for his said company. He met with Dattatray Babar through whom he met with accused no.2 Balasaheb Jadhav and other accused. Said accused informed that they are Trustees of RTI Public Charitable Trust, Kharghar. They further informed that said Trust provides financial aid to the businessman for their humanitarian projects. Said accused assured the informant to provide loan of Rs.5 crores. Subsequently said accused informed the informant that said loan is passed but to get the amount of loan he is required to pay Rs.10 lakh in account of Trust, therefore, informant transferred Rs.10 lakh in the account of Trust maintained with ICICI Bank, Kharghar, Mumbai. Thereafter, informant for time and again made inquiry with the Chairman of said Trust i.e. accused no.1 Devprasad Tiwari but he gave frivolous answers and avoided to pay the amount of loan. Informant met with the said accused no.1 Devprasad Tiwari at Kharghar, then he told informant to give Rs.50 lakhs then only they would payable to give a loan of Rs.6.5 crores instead of Rs.5 crores. He further told that accused no.2 Balasaheb Jadhav would contact him and complete the further procedure in respect of said loan. On

07.11.2000 accused no.2 Balasaheb Jadhav sent details of account wherein money is to be sent so informant sent Rs.50 lakhs by way of two DD in the said account, the details thereof sent by accused no.2. Thereafter, informant requested the accused about the loan but they avoided the informant and did not give any money in the form of loan to informant. Said accused cheated the informant, therefore, informant lodged the FIR dated 05.09.2023 based on which, Crime no.689/2023 came to be registered with Baramati Taluka Police Station, for the offences punishable U/s. 420, 467, 468, 474, 471, 423 R/w 34 of the IPC. against the accused.”

4. It is the contention of Mr. Kuldeep Nikam, learned Counsel appearing for the Applicant that according to the F.I.R., the incident had taken place between August 2019 to November 2020 and the F.I.R. was lodged on 17th September 2023. He submitted that there is an inordinate delay of about 3 years in lodging the F.I.R.. He submitted that the only role attributed to the present Applicant is that he was present with other co-Accused. He submitted that even the entire prosecution case is considered as true, then also no specific role is attributed to the present Applicant. He submitted that in any case the Charge-sheet is filed on 6th January 2024. He submitted that apart from the fact that the Applicant is entitled to be released on bail, on merits, the Applicant has paid a substantial amount to the informant.

5. Ms. Yadav, learned APP on the other hand, strongly opposed the Bail Application. She submitted that affidavit of Mr. Dattatray Bhanudas Lendave, PSI, Baramati Taluka Police Station, District- Pune dated 19th

July 2024 is filed opposing the grant of Bail Application. She pointed out various contents of said Affidavit-in-Reply. She submitted that the offence is very serious and the present Applicant is involved in the said offence. She therefore submitted that the Bail Application be rejected.

6. Ms. Yadav, learned APP states that there is one antecedent against the present Applicant i.e. C.R. No. 200 of 2021 registered on 4th January 2021 at Kharghar Police Station, Navi Mumbai. However, Mr. Kuldeep Nikam, learned Counsel appearing for the Applicant tenders copy of the said F.I.R. and submits that the said F.I.R. is lodged against the father of the present Applicant and others and not against the present Applicant.

7. Mr. Ghanshyam Jadhav, learned Counsel appearing for the Intervenor i.e. the original informant submitted that as substantial amount is paid to the informant, the informant has no objection for granting the Bail Application. He submitted that the informant-Snehdeep Ramchandra Nandgude is personally present in the Court and he is making said submissions on instructions. He also states that the Informant has also filed Affidavit dated 26th July 2024 reiterating the said instructions.

8. Perusal of record shows that the incident in question took place during the period of August 2019 to November 2020 and the F.I.R. was lodged on 17th September 2023 i.e. after delay of about 3 years. The Applicant was apprehended on 11th October 2023 and the Charge-sheet

was filed on 6th January 2024. There is no progress in the trial and even the Charge is also not framed yet. The trial is likely to take a considerably long time.

9. The Applicant does not appear to be at risk of flight.
10. The Applicant does not have any criminal antecedents.
11. Accordingly, the Applicant can be enlarged on bail by imposing conditions.
12. In view thereof, the following order:

ORDER

- (a) The Applicant- Rachit Deviprasad Tiwari be released on bail in connection with C.R. No.689 of 2023 registered with the Baramati Police Station, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Baramati Police Station, District-Pune as and when necessary.
- (d) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade such a person from disclosing

the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

13. The Bail Application is disposed of accordingly.

14. It is clarified that the Trial Court shall decide the case on its own merits, uninfluenced by the *prima facie* observations made in this Order.

15. In view of disposal of the Bail Application, the Interim Application does not survive, the same is also disposed of.

[MADHAV J. JAMDAR, J.]