

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.2279 OF 2024

Ganesh @ Gajanan Bandopant Tambat,
Age 39 years, Occ.Service, R/o.26/10,
Shahu Nagar, Gaikwad Galli,
Bagadi Galli, Chandur, Kolhapur
(presently lodged in Belgavi Central prison) Applicant

versus

The State of Maharashtra Respondent

Mr.Piyush Toshnival i/by Mr.Ashish P.Pawar, Advocate for
Applicant.

Mrs.Geeta P.Mulekar, APP, for State.

PC.Shaikh, EOW, Solapur, present.

CORAM : ANIL S.KILOR, J.

DATE : 14th August 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.213 of 2023 registered with Vijapur Naka Police Station, Solapur City, for the offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code.

3. Having gone through the charge sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that there is not a single witness or even in the first statement given to the police, the informant is having any case

against the Applicant that he induced the informant or promised of gold coins at a cheaper rate. Even there is no evidence to show that any amount was paid to the Applicant. The main allegations are against accused no.1 Jyoti. It is alleged that the Applicant was residing with accused no.1 as her husband. However, that cannot be the ground to implicate the Applicant as an accused unless there is some evidence against Applicant to show his complicity in the offence. In absence of any evidence and though learned APP strongly opposing present application, I am of the opinion that this is a fit case for grant of bail. Hence, I pass 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.213 of 2023 registered with Vijapur Naka Police Station, Solapur City, for the offences punishable under Sections 420, 406 r/w 34 of the Indian Penal Code on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- (iii) The Applicant shall attend Vijapur Naka Police Station, Solapur City, on every 1st and 16th of every month between 12.00 noon and 2.00 pm till conclusion 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 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.)

MST