

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

**CRIMINAL BAIL APPLICATION NO. 2351 OF 2024
WITH
INTERIM APPLICATION NO. 3181 OF 2024**

Kisan Harlal Chavan ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Shailesh D. Chavan with Hrishikesh Avhad, Advocate for Applicant.

Mr. P. H. Gaikwad, APP for State-Respondent.

Mr. Ajay Joshi, Advocate for First Informant.

Mr. Sham Pandit Gaikwad, PC, Present.

CORAM:- ANIL S. KILOR, J.

DATED:- 3rd 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. 34 of 2023 registered with Karkamb Police Station, Solapur for the offences punishable under Sections 420 and 417 read with Section 34 of the Indian Penal Code, 1860.

3) In the present matter, the allegations are that on may occasion money was paid to the applicant for supply of labours however, he failed to provide labours and thereby he cheated the informant.

4) Thus, considering the nature of allegations and the fact that all the relevant material and documents have been seized and recovered by the Investigating Officer and the charge-sheet has been filed, I am of the opinion that further custody of the applicant is not necessary.

5) The applicant is in jail from more than one and half years and there are no antecedents against the applicant. The maximum punishment is seven years.

6) Thus, considering the period of incarceration and the fact that the charge-sheet has been filed. Though, the learned APP and the learned Counsel for the informant are strongly opposing the application, the application is allowed. Hence, I pass the following order.

ORDER

- i. The Bail Application is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No. 34 of 2023 registered with Karkamb Police Station, Solapur for the offences punishable under Sections 420 and 417 read with Section 34 of the Indian Penal Code, 1860, on furnishing PR. Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one solvent surety in the like amount;
- iii The applicant shall attend the said Police Station on 1st and 16th day of every month between 10.00 am and 11.00 am till the 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 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.
- vii. Application stands disposed of, accordingly.

In view of disposal of the Bail Application, the Interim Application also stands disposed of.

[ANIL S. KILOR, J.]