

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2592 OF 2024**

Mayur Rajendra Hirawat ... Applicant

VS.

The State of Maharashtra Through Sr. Police
Inspector, Sarkarwada Police Station ... Respondent

Mr. Arvind Aswani for the Applicant.

Ms. S. D. Mali, APP for the State.

CORAM : BHARAT P. DESHPANDE, J.

DATED : 28th NOVEMBER, 2024

ORDER :-

1. Heard learned counsel for the applicant and the learned APP for the State.
2. This is bail application filed under Section 439 of Code of Criminal Procedure in connection with Crime No.167 of 2022 registered at Sarkarwada Police Station for the offence punishable under Sections 420, 465, 471 and 34 of the Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant was arrested in Crime No.626 of 2020 under Sections 354, 452, 323, 504, 506 and was taken into custody. The applicant applied for grant of bail before the concerned Magistrate, who granted him bail

on 15th December, 2020 with certain conditions.

4. Learned counsel for the applicant submits that since applicant was inside, someone arranged a surety for him to be furnished for his release in Crime No.626 of 2020. After furnishing surety bonds and papers, the applicant was released on bail. Learned counsel submits that thereafter on 29th July 2022, a person namely Udday Hirawat filed a complaint before the District Court stating that the applicant has played fraud on the Court by furnishing surety in the name of Ganpat Jadhav, who is already expired or who expired somewhere in December 2014. Accordingly, present crime was registered against the applicant and he was arrested somewhere in January 2023.

5. Learned counsel submits that since the applicant was in judicial lockup when his bail was granted in Crime No.626 of 2020 and when the surety was produced in the Court, the contention of the complainant as well as registration of FIR against the accused/applicant is clear an afterthought. He submits that when the applicant was inside, surety has to be furnished, which he will not be able to approach the concerned surety. He submits that the applicant was released in Crime No.626 of 2020 only after obtaining the surety bond and thereafter, he had no role in the said offence.

Since the time of arrest the applicant is in custody. Papers which are allegedly found to be fraud, are already with investigating agency. Investigation further shows that the Advocate who furnished the papers including surety disclose that such surety was arranged by someone else. Thus, prima facie, shows that surety was furnished by the person other than the accused.

6. Even otherwise, entire allegations are based on documents produced in the Court and no further investigation or recovery is necessary. Though, the charge-sheet is filed, no charge is framed yet. Accordingly, in my considered opinion, the applicant is entitled for bail but with certain conditions.

7. The Bail Application stands allowed.

8. The applicant shall be released on bail on furnishing personal bond of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the trial Court and on the following conditions:

ORDER

(I) Applicant shall not in any manner try to contact, pressurize or threaten the prosecution witnesses.

(II) Applicant shall attend the trial Court proceedings regularly.

(III) Applicant shall not leave state of Maharashtra without prior permission of the trial Court.

9. The Bail Application is disposed of in above terms.

(BHARAT P. DESHPANDE, J.)