

CORRECTED ORDER DATED 19/09/2024 -**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION****CRIMINAL BAIL APPLICATION NO.2832 OF 2024**

Suraj @ Sonu Siddharam Surate Applicant
versus
The State of Maharashtra Respondent

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- Mr. V. V. Purwant, Advocate for Applicant.
- Mr. Prashant P. Jadhav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th SEPTEMBER, 2024

P.C. :

1. The Applicant is seeking his release on bail in connection with C.R.No.326/2023, dated 09/06/2023, registered with Vijapur Naka Police Station, Solapur City, under sections 420, 467, 468, 471, 120-B of the Indian Penal Code. The Applicant was arrested on 15/11/2023 and since then he is in custody. The charge-sheet is filed.
2. Heard Mr. V. V. Purwant, learned counsel for the Applicant and Mr. Prashant P. Jadhav, learned APP for the State.

3. The prosecution case as mentioned in the charge-sheet is as follows:

The first informant Shrishailkumar Hadimani was residing in USA. He wanted to purchase some land in Solapur. The main accused Manoj Godbole extracted Rs.4 Crores from the informant. He had represented to the informant that he was a Nayab Tahsildar and he was aware of many lands which could be purchased by the informant by paying dues of the Government on those lands. It was a false representation. Forged permission bearing Government seals were sent by telephonic messages to the informant. It was fraudulent. The informant had lost his money. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that in the entire charge-sheet, there is reference to his name only in the memorandum of statement of the main accused Manoj Godbole recorded u/s 27 of the Evidence Act. In that statement, Manoj Godbole had showed willingness to take the police to various places to show the persons to whom he had allegedly made payment in cash. As far as the Applicant is concerned, according

to Manoj Godbole, he had given him Rs.55 lakhs in cash from time to time from the misappropriated amount. The said statement mentioned names of Yallubai Jadhav, Vivek Pawar, Amol Sarvade, Jetithor etc. Significantly, pursuant to this statement, no recovery was made from the present Applicant.

5. Learned counsel submitted that the Applicant is working with Solapur Municipal Corporation as a Sweeper. He has absolutely no role to play in creating forged documents, making representation to the informant or extracting money from him. He is in custody since 15/11/2023. The investigation is over. There is no recovery attributed to him at all.
6. Learned counsel relied on the order passed on 03/05/2024 in Criminal Bail Application No.1730 of 2024 in the case of co-accused Ganesh Jadhav, who was similarly placed with similar allegations and he was granted bail. Learned counsel therefore claimed parity.
7. Learned APP on instructions and after going through the entire charge-sheet, submitted that there is absolutely no

recovery from the present Applicant. Learned APP further referred to the statement of the wife of the Applicant, wherein she has mentioned that the Applicant had opened a bank account in the Bank of India, which was used by the Applicant, but she did not know any amount received in that bank account from one of the co-accused Yash Godbole. Learned APP submitted that the said amount was to the tune of Rs.2,06,500/- and that amount was to be recovered from the Applicant. However, he conceded that even that amount was not recovered from the Applicant after his arrest and after thorough investigation.

8. I have considered these submissions. As rightly submitted by the learned counsel for the Applicant, principle of parity will have to be applied in the present case because co-accused Ganesh Jadhav who is similarly placed and against whom similar allegations were made, was granted bail. Apart from that, there is no recovery from the Applicant. The Applicant was arrested on 15/11/2023. The investigating agency had sufficient opportunity to interrogate him. In spite of

that, no amount is recovered from him. The alleged amount involved in this crime is more than Rs.4 Crores. There is hardly any evidence against the present Applicant. The memorandum statement of the main accused Manoj Godbole has not led to recovery of any amount from the Applicant. Therefore, as far as the Applicant is concerned, that statement does not have much value. The charge-sheet in this case is already filed.

9. Considering these aspects, the Applicant deserves to be released on bail.

10. Hence, the following order :

ORDER

- (i) In connection with C.R.No.326/2023, dated 09/06/2023, registered with Vijapur Naka Police Station, Solapur City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)