

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

CRIMINAL BAIL APPLICATION NO. 2899 OF 2024

Raju Vasant Shewale ...Applicant

Vs.

The State of Maharashtra ...Respondent

Mr. Kuldeep S. Patil i/b Prashant S. Hagare, for the applicant.

Mr. P. P. Deokar, APP for State-Respondent.

CORAM:- ANIL S. KILOR, J.

DATED:- 22nd 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. 40 of 2022, registered with Indapur Police Station, Indapur, Dist: Pune, for the offences punishable under Sections 120(B) 403, 408, 409 and 420 of the Indian Penal Code (for short, 'IPC'), Sections 21, 22, 23 and 25 of the Banning of Unregulated Deposit Schemes Act, 2019 and Sections 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.

- 3) In this case, the allegations are of cheating and breach of trust are made against the applicant and the period of the alleged offence from 01.01.2014 to 31.12.2019. Whereas, the complaint was lodged on 20.01.2022 i.e. at much belated stage.
- 4) In the present matter, since the charge-sheet has been filed after the investigation was completed and furthermore, considering the fact that the applicant is in jail from 29.01.2024, I am of the opinion that the applicant is entitled for grant of bail. Furthermore, since all the relevant documents have already been seized by the police, further custody of the applicant is not necessary.
- 5) As far as the contention of the learned APP, that there is huge amount to be recovered, the Hon'ble Supreme Court of India time and again has observed that the Courts are not the recovery agent and not even the police. In that view of the matter, I do not find favour with the submission of the learned APP. Accordingly, 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. 40 of 2022, registered with Indapur Police Station, Indapur, Dist: Pune, for the offences punishable under Sections 120(B) 403, 408, 409 and 420 of the Indian Penal Code (for short, 'IPC'), Sections 21, 22, 23 and 25 of the Banning of Unregulated Deposit Schemes Act, 2019 and Sections 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act,

1978, on furnishing PR.Bond of Rupees Twenty-Five Thousand with one solvent surety in the like amount;

iii) 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;

iv). Liberty is granted to the State to apply cancellation of bail if the applicant commits similar offence.;

v). The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vi). Application stands disposed of, accordingly.

[ANIL S. KILOR, J.]