



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 254 OF 2024

Ganesh s/o Sureshrao Gotephode
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Wardha, District Wardha

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Aadil Anwar J. Mirza, Advocate for applicant.
Ms. Shamshi Haider, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26 /04/2024

1. The applicant came to be arrested on 20.01.2024 in connection with Crime No.372/2021 registered with Police Station Wardha, District Wardha for the offences punishable under Sections 420, 468, 471 120-B read with Section 34 of the Indian Penal Code.

2. As per the accusation, in the year 2018 the informant met accused No.2 Ravindra Gujarkar to whom she personally knows due to the professional relationship with his brother, at that time the co-accused Ravindra Gujarkar informed her that he knows one person namely accused No.1 Mayur Vaidya who could arrange job in Railways. Thus, on the say of the accused, she has transferred the amount of Rs.13,50,000/- in the account of accused No.1 Mayur Vaidya, but till today no

appointed order was issued to her. It reveals during investigation that since accused No.1 Mayur Vaidya has fabricated the mark-sheet of the informant. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned, except the statement of the co-accused there is no other material to connect him with the alleged offence. He submitted that further custodial interrogation of the present applicant is not required as the investigation is already completed, charge-sheet is filed. The supplementary charge-sheet is also filed against the present applicant, in view of that, the applicant be released on bail.

4. Learned APP strongly opposed the said application on the ground that not only the involvement of the present applicant is on the basis of co-accused but there are criminal antecedents against the present applicant against whom the similar nature of the offences are registered. Considering the criminal antecedents against the present applicant, the bail application deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State and on

perusal of the entire investigation papers though Investigating Officer in the summary of charge-sheet it is mentioned that the name of the present applicant is revealed on the basis of the statement of the co-accused, but from investigation papers nowhere it reveals that either the co-accused or any of the witnesses are referred the present applicant as one of the co-accused. It seems that present applicant is arrested on the basis of suspicion. As far as the direct evidence is concerned, which is not available against the present applicant. Considering the nature of the evidence, in the present case merely because there are criminal antecedents against him, his prayer for bail cannot be rejected. In view of that, application deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Ganesh s/o Sureshrao Gotephode** shall be released on bail in connection with Crime No.372/2021 registered with Police Station Wardha, District Wardha for the offences punishable under Sections 420, 468, 471 and 120-B read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)