



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.830 OF 2024

(Nevil s/o Prakash Khirkar Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.R. Babhalkar, Advocate for the applicant.
Mr. S.S. Hulke, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 23, 2024.

By this application, the applicant is seeking bail as the applicant came to be arrested on 17/07/2024 in connection with Crime No.393/2024 registered with Police Station Kalmeshwar, District Nagpur for the offence punishable under Sections 420, 467, 471 read with Section 34 of the Indian Penal Code.

2. The crime is registered against the present applicant on the basis of report lodged by Pravin Deoraoji Dhoble alleging that he was acquainted with the present applicant and co-accused Mayur Prakash Khirkar to one Sangita Raju Borkar at Yavatmal in the year 2017. It is further alleged that the applicant and the other co-accused both have promised her for marriage and obtained the money. No job was provided by her and the complainant was duped by the present applicant. It is further alleged that present applicant has received the amount of Rs.68,000/- out of this transaction.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned he has not received any monetary gain. Merely because he was along with the other co-accused his name is mentioned in the FIR. Now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that during investigation it revealed that it was the present applicant and the other co-accused who induced the informant to pay the amount on the promise of job and present applicant has received the amount of Rs.68,000/- out of the amount received by the co-accused. It is further submitted that considering the role of the present applicant to dupe the informant by promising the job, if he is released on bail similar type of the activities may be committed by him. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. Undisputedly, the involvement of the present applicant revealed from the investigation papers in an economic offence. Now, investigation is completed, charge-sheet is filed. As far as the economic offence is concerned, the observation of the Hon'ble Apex Court in the case of *P. Chidambaram v. Directorate of Enforcement*, [(2020) 13 SCC 791] is

relevant wherein the Hon'ble Apex Court has considered that it is not a rule that bail should be denied in every case since there is no such bar created in the relevant enactment passed by the legislature nor does the bail jurisprudence provides so. Therefore, the underlining conclusion is that irrespective of the nature and gravity of charge, the precedent of another case alone will not be the basis for either grant or refusal of bail though it may have a bearing on principle. But ultimately the consideration will have to be on case to case basis on the facts involved therein and securing the presence of the accused to stand trial. The grant or refusal to grant bail lies in the discretion of the Court. Admittedly, now investigation is completed and charge-sheet is already filed. As far as the apprehension that the applicant would be fled away can be taken care of by imposing certain conditions on him. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Nevil s/o Prakash Khirkar in connection with Crime No.393/2024 registered with Police Station Kalmeshwar, District Nagpur for the offence punishable under Sections 420, 467, 471 read with Section 34 of the Indian Penal Code, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a month i.e. first day of every month and the Police Station Officer shall record his presence.

(iv) The applicant shall not leave the jurisdiction of Nagpur district without seeking prior permission of the Chief Judicial Magistrate, Nagpur.

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

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*