



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

CRIMINAL APPLICATION (ABA) NO. 802 OF 2024

Ashish s/o Suresh Rathi 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

Ms. Shilpa O. Tapdiya, counsel for applicant.
Mr. H.D.Dubey, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/12/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.429/2024 registered with non-applicant for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that the crime is registered on the basis of a report lodged by Prabhakar Pralhad Tayde alleging that he is an agriculturist, and he has cultivated the cotton but has not sold the crop of cotton, as there was no market place to sold the crop. Thereafter, the co-accused Dr. Prafull Vasudeo Patil approached him and purchased the cotton and not paid him money. It is alleged that the present applicant, along with other co-accused, have duped the complainant.

3. Learned counsel for the applicant submitted that as far as the present applicant is concerned, he is one of the victims, and he has also sold the cotton to other co-accused. In fact, the only allegation is that he has advised other agriculturists to sell the said cotton to Dr. Prafull Vasudeo Patil. In fact, he is not connected with the trading company, which is run by the other co-accused. He has not gained any monetary relief from the said transactions. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the applicant has played the role of the inducement by inducing the other farmers and inducing them to invest the said cotton with the other co-accused, and therefore, they sustained loss. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers as well as the recitals of the FIR, it reveals that the applicant is also one of the victims. The only role attributed to him is the inducement, as far as the selling of the cotton to the other co-accused is concerned. Considering the role attributed to the present applicant, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] In the event of the arrest, the applicant –
Ashish Suresh Rathi, in connection with

Crime No.429/2024 registered with non-applicant for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, 1860, shall be released on anticipatory bail on executing P.R. bond of Rs.25,000/- with one solvent surety in the like amount.

- b] The applicant shall attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency till filing of the charge-sheet.
- c] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]