2025:BHC-AUG:6518

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

992 ANTICIPATORY BAIL APPLN. NO.132 OF 2025

VASANT DATTATRAYA PATIL
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER
...
Advocate for Applicant : Mr.N.B.Khandare, Senior Advocate i/b. Mr.D.B.Thoke
APP for Respondent-State : Mr.S.K.Shirse
Advocate for Assist to P.P. : Mr.C.V.Dharurkar
…

WITH
ANTICIPATORY BAIL APPLICATION NO. 133 OF 2025

GOKUL SHRAWAN MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER
...
Advocate for Applicant : Mr.Mukul S. Kulkarni
APP for Respondent-State : Mr.S.K.Shirse
Advocate for Assist to P.P. : Mr.C.V.Dharurkar
…

WITH
ANTICIPATORY BAIL APPLICATION NO. 136 OF 2025

1] LALIT NILKANTH CHAUDHARI
2] PANKAJ VASUDEO NEMADE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER
...
Advocate for Applicant : Mr.R.S.Deshmukh, Senior Advocate a/w. Adv.Meenal S. Deshmukh & Adv.Rakshada Jaiswal i/b. Mr.R.A.Shinde
APP for Respondent-State : Mr.S.K.Shirse
Advocate for Assist to P.P. : Mr.C.V.Dharurkar
…

WITH
ANTICIPATORY BAIL APPLICATION NO. 150 OF 2025

1] VIJAYKUMAR KANHAILAL JAIN
2]SUHAS NILKANTH BHAT
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER
...
Advocate for Applicant : Mr.D.S.Mali
APP for Respondent-State : Mr.S.K.Shirse
Advocate for Assist to P.P. : Mr.C.V.Dharurkar
…

WITH
ANTICIPATORY BAIL APPLICATION NO. 183 OF 2025

PAWAN NISHIKANT KOLTE
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER
...
Advocate for Applicant : Mr.Mukul Kulkarni h/f. Mr.Vinod Patil
APP for Respondent-State : Mr.S.K.Shirse
Advocate for Assist to P.P. : Mr.C.V.Dharurkar
…

CORAM : ARUN R. PEDNEKER, J.
DATE : 05.03.2025

P.C. :

1] Heard learned counsel for the applicants, the learned APP for the respondent-State and the learned counsel for the assist to P.P.

2] The applicants are apprehending arrest in connection with Crime No. 0365/2024, registered with

Ramanand Nagar Police Station, Taluka and District Jalgaon, for the offence punishable under Section 420 r/w. 34 of the IPC.

3] This Court, by order dated 07.02.2025, has granted interim protection in favour of the applicants for the submissions and reasons stated in para nos.4, 5, 6, 7 and 8, as noted below :

> *4] The case against the applicants is that between the period of 01.09.2023 to 26.09.2023, the complainant has paid various amounts for procuring funds from the companies (corporate social responsibilities funds) towards constructions of agricultural farm lakes to be constructed within the State of Maharashtra. It is stated that the informant has paid various amounts to the V. D. Patil and Suryasingh Chavan. It is stated that the informant has paid amount of Rs.20,00,000/- to Vasant Dattatray Patil in cash. It is also stated that the informant paid Rs.20,00,000/- through R.T.G.S. to one Mr.Suryasingh Chavan and Gold River Infra Limited.*
>
> *5] Even after paying the money, the contracts were not issued to the informant and as such complaint was made to the economic offences wing by the informant, in pursuance of which enquiry was conducted by the economic offences wing and ultimately the same was closed by holding that there was case made out only against Suryasingh Chavan and Gold River Infra Company and directed the informant to lodge the report accordingly. Thereafter, on 05.06.2024,the complainant filed application under Section 156(3) of the Code of Criminal Procedure, 1973 before the Magistrate. Based on the complaint filed by the complainant, the Magistrate has directed to register the FIR. In pursuance of the direction to register the FIR,*

the present bail applications are filed by the applicants for anticipatory bail apprehending arrest.

6] Prima-facie, even if I consider the case at its face value, it appears from the complaint that the amount paid is for procuring contract from private companies and the applicants' services are utilised as agents/liaison officers in view of their contacts with private companies. Amount of Rs.20,00,000/- by cash is paid by the informant, but there is no prima-facie evidence to substantiate the same. The economic offences wing has conducted an enquiry and no evidence was found by the with economic offences wing to make out aforesaid offences against the applicants except the statement of the informant that he has paid Rs.20,00,000/- in cash to the applicant-Mr.Vasant Dattatray Patil for the sanction of funds under the scheme of Corporate Social Responsibility. The informant is a builder and a man with business acumen. It is not expected of the informant to pay by cash huge amount without receipt of the same or an agreement duly executed for the same. In absence of any prima-facie evidence showing that payment has been made by the informant to the applicants, this Court holds that interim protection can be granted to the applicants, more particularly, in view of the fact that earlier also enquiry was conducted by the economic offences wing and no material has been found against the applicants.

7] Considering both these aspects, interim protection is granted to the applicant-Vasant Dattatray Patil. As regards the other applicants are concerned, no case is made out by the informant that amounts are paid to them.

8] The learned counsel appearing for the original informant submits that there is evidence on record that Suhas Bhatt and Pankaj Nimade had travelled with the informant to various places and Pankaj Nimade has also returned certain amount to the informant. I have already observed above the case is based

> *on cash transaction and preliminary investigation is also carried out by EOW. Considering the same all the applicants are granted interim protection.*

4] The learned counsel for the applicants submits that in pursuance of the interim order, this Court has directed the applicants to remain present before the Investigating Officer as and when required by the investigating officer. It is further submitted that in pursuance of the interim order, the applicants have co-operated with the investigation.

5] The learned counsel for the assist to P.P. submits that applicant – Vasant Dattatraya Patil was given certain amounts for sanction of the funds under the scheme of Corporate Social Responsibility, so also, other accused had travelled with the informant to various places, as such, involvement of the applicants in the alleged crime are seen. He further submits that the informant paid Rs.20 lakh through R.T.G.S. to other persons, who are not before this Court.

6] By order dated 07.02.2025, it is noticed that there is no evidence to show that the informant had paid Rs.20 lakhs by cash, so also, the enquiry was also conducted by the economic offences wing and no material has been found against the applicants. There is no recovery to be made at the instance of the applicants in the alleged crime. In view of the same, the interim protection granted by order dated 07.02.2025 stands confirmed, in the following terms :

i] The applicants shall attend the concerned police station as and when required by the investigating officer.

ii] The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicants shall co-operate with the investigation and also in the proceedings before the trial Court.

7] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

8] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

9] The applications stand disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC