IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO.514 OF 2024

Saurabh s/o Sunil Jagdale,
Age: 29 years, Occu.: Business,
R/o. Jijau Nagar, Dhoki road,
Near Vidya Bhavan School,
Kalamb, Taluka: Kalamb,
District: Dharashiv (Osmanabad) ..Applicant

Versus

1. State of Maharashtra,
   through the Officer Incharge,
   Georai Police Station, Georai,
   Taluka: Georai, District Beed.

2. The Superintendent of Police,
   Beed. ..Respondents

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Mr. Rajendra Deshmukh, Senior Advocate a/w Mr. R. P. Untawal and Raman Dodiya i/by Mr. Vishal A. Chavan and Mr. D. R. Deshmukh, Advocate for the Applicant.
Mr. V. S. Badakh, APP for Respondent-State.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 10th JANUARY, 2025.
PRONOUNCED ON : 17th JANUARY, 2025.

ORDER:-

1. The applicants seek pre-arrest bail in connection with Crime No.391/2023 registered with Georai Police Station, Dist. Beed for the offences punishable under Sections 406, 409, 420, 477-A, 120-B of the Indian Penal Code and Section 447 of the Companies Act and Sections 3 and 4 of the M.P.I.D. Act.

2. Mr. Mahesh Makal lodged report to the police station alleging that he was acquainted with Dr. Vasant Dabhade-accused

no.2. He visited house of informant in the month of April alongwith accused Ajit Kale, Chairman of Shrimantyogi Urban Nidhi Limited, Georai. Dr. Vasant Dabhade told that Ajit Kale is influential person and helped many to secure Government job. The informant was lured to pay amount of Rs.18,00,000/- to accused Ajit Kale for securing employment for the informant's wife in the Health Department. However, under the pretext of Covid situation and stoppage of recruitment by Government, inability was shown to provide employment as agreed. In lieu of amount that was advanced by the informant, some cheques were issued, which were ultimately dishonoured. The informant approached police station and lodged report against accused persons. Many other victims of fraud by the accused persons had approached the police station. It was revealed that amount of Rs.90,00,000/- has been received by accused from the victims. The informant is duped of the amount of Rs.13,00,000/- by accused persons in connivance with each other.

3. Consequently, Crime No.391/2023 has been registered. On completion of investigation, charge-sheet no.300/2023 has been filed in Special Court.

4. By order dated 03.04.2024 applicant was granted ad-interim protection of pre-arrest bail subject to condition that he shall attend concerned police station everyday from 08.04.2024 to 13.04.2024 between 10.00 a.m. to 12.00 noon and shall co-operate

in the investigation and shall not tamper with prosecution evidence.

5. The learned Advocate appearing for the applicant submits that applicant has complied aforesaid conditions.

6. The learned APP do not dispute the aforesaid statement.

7. In this background, it can be observed that applicant's role is described that he being Director of finance, amount of Rs.8,14,000/- is transferred on his bank account. Similarly, amount of Rs.46,330/- is received by him in cash. As such, his active role has been attributed in alleged fraud. The applicant is alleged to be absconding from the date of registration of crime.

8. As can be observed from the contents of the FIR and charge-sheet it is evident that main allegation in the FIR is that accused persons duped victims under the pretext of providing Government job and extracted large amount from them. So far as applicant is concerned, there are no allegations that he was involved in such activity alongwith accused persons named in the FIR. The applicant's role is attributed only as Director of the Bank. To show his involvement in commission of offence, transaction showing flow of money from Bank to applicant has been relied upon. As rightly pointed out by the learned Advocate appearing for the applicant, other Directors or accused persons against whom similar

attributions are made are already enlarged on bail. The investigation paper shows that entire material is already collected by the Investigating Officer and made part of charge-sheet. The applicant was already granted ad-interim protection of pre-arrest bail vide order dated 03.04.2024 by putting certain conditions, which he has complied with. The custodial interrogation of the applicant would not be necessary. Hence, case is made out for grant of bail. Hence, following order:

ORDER

(i) Anticipatory Bail Application is allowed by confirming order dated 03.04.2024.

(ii) In the event of arrest of applicant, Saurabh s/o Sunil Jagdale in connection with Crime No.391/2023 registered with Georai Police Station, Dist. Beed for the offences punishable under Sections 406, 409, 420, 477-A, 120-B of the Indian Penal Code and Section 447 of the Companies Act and Sections 3 and 4 of the M.P.I.D. Act, shall be released on bail on furnishing PR bond of Rs.25,000/- (Rs.Twenty Five Thousand only) with one surety in the like amount.

(iii) He shall attend concerned police station as and when required.

(iv) He shall not contact the witnesses directly or indirectly or influence them in any manner.

(v) He shall not tamper with evidence and co-operate the investigating agency for further investigation.

(vi) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/January-2025