



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 BAIL APPLICATION NO. 958 OF 2025

DIWAKAR CHANDRASHEKHAR ROY

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Sagar S. Ghumare

APP for Respondent/State: Mr. V. M. Jaware

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.06.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he was arrested on 10.03.2025 in connection with Crime No.77/2025, dated 06.03.2025, registered with Jalgaon City Police Station, District Jalgaon, for the offences punishable under Sections 318(1), 318(4), 336(3), 336(4), 338 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3] The case of the prosecution as noted in the FIR is that co-accused no.1 – Kiran Sanap was introduced to the informant - Navnath Vishwanath Darkunde by his friend Sanjay Jadhav. It is further stated in the FIR that accused

no.1 – Kiran Sanap promised to give government job to the son of Sanjay Jadhav for Rs.17,00,000/-. Thereafter, Sanjay Jadhav asked the informant– Kiran Sanap if he is interested in the same for his son, he will make arrangements to contact accused no.1 – Kiran Sanap. The informant believing his friend told Sanjay Jadhav to contact accused no.1 – Kiran Sanap for the job of his son also. Thereafter, in the telephonic communication, accused no.1 – Kiran Sanap promised to give job in the Railways on the post of Clerk and for that total amount of Rs.9,18,500/- has been taken by all the accused. The payments are made by online transactions and also by cash. Two entries of payments are made in the name of the present applicant totaling to Rs.52,000/-. After payment, when the son of the informant was not getting the job nor the payment made to the accused is returned to the informant, the FIR came to be registered.

4] As such, accused were arrested on various dates, including the present applicant on 10.03.2025.

5] The learned counsel for the applicant submits that the applicant was merely an employee of accused no.1 – Kiran Sanap. He has received total amount of Rs.52,000/- on two different occasions collectively from the informant or his agent. The learned counsel for the applicant has produced the bank statement, wherein amount of

Rs.44,000/- and 8,000/- are shown received into his account. He has also pointed out immediately thereafter the amount stands transferred to accused no.1 – Kiran Sanap. He submits that he is merely an employee. The amounts are taken in his account and the amounts are transferred to accused no.1 – Kiran Sanap. He submits that neither he has role as far as the crime is concerned nor he is beneficiary for the same. There is no antecedents against the applicant. He submits that the bank statement is produced before the Investigating Officer, however, the Investigating Officer has not produced the same in the charge-sheet.

6] Per contra, the learned APP submits that an amount totaling to Rs.52,000/- has been transferred into the account of the applicant. As such, the applicant's involvement is directly seen. The learned APP submits that there is further statement of son of the informant that the applicant has called him and asked him to deposit the money and that he would get the job. The learned APP submits that the joining letter is signed by the applicant.

7] Per contra, the learned counsel for the applicant submits that the phone call received by the son of the informant is not registered in the name of the applicant. He also submits that there is no prima facie evidence that the applicant has signed the letter of joining.

8] Having considered the rival submissions, it would be seen from the record that the applicant on receipt of the amount has immediately transferred the amount to accused no.1 – Kiran Sanap. The applicant is stated to be an employee of the accused no.1 – Kiran Sanap. There are no antecedents against the applicant. So also, the total amount of Rs.52,000/- has been deposited in the account of the applicant, which has been transferred to accused no.1 – Kiran Sanap. As such, there is arguable case in favour of the applicant. The applicant is in custody from 10.03.2025. The applicant can be granted bail.

9] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.77/2025, dated 06.03.2025, registered with Jalgaon City Police Station, District Jalgaon, for the offences punishable under Sections 318(1), 318(4), 336(3), 336(4), 338 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

10] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

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

12] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE