IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 ANTICIPATORY BAIL APPLICATION NO. 863 OF 2025

VITTHAL TULSHIRAM KOLTE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Vinod P. Patil - Advocate for Applicant
Ms. R.R. Tandale - APP for Respondent Nos.1 and 2, State
.....

CORAM : SANJAY A. DESHMUKH, J.
(VACATION COURT)
DATED : 05.06.2025

PER COURT :-

1. This is an application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNS, 2023'*) for grant of anticipatory bail in connection with Crime No. 219 of 2025, registered with MIDC Cidco Police Station, Chhatrapati Sambhajinagar, Tq. and Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 316(2), 318(4) of the Bhartiya Nyay Sanhita and Sections 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978.

2. Learned Counsel for applicant pointed out the report. It is averred that, the applicant went to the shop of informant as he was serving as Postman on contract basis. He frequently

went to the shop of informant to delivered the letters to him. The informant further averred that, his shop neighbourer Shevale and the applicant visited his shop and told him that, the applicant has started Laxmi Chit Fund Pvt. Ltd. which is government approved institution. He told about auction Bhishi (*Harashi*) is also running. He was also told that, he will be monetarily benefited in terms of money. He assured that, he will get 5% commission and accordingly it would be distributed with the other members of the Bhishi. Therefore the informant was convinced. On 10.12.2022 he started two Bhishis of amount of Rs.5,00,000/- and Rs.4,00,000/- respectively. Since there were twenty members, amount of Rs.25,000/- and Rs.20,000/- were fixed to be paid as monthly installments for Bhishi of amount of Rs.5,00,000/- and Rs.4,00,000/- respectively for twenty months. The informant was paying those installments from his bank account of Kotak Mahindra Bank to applicant's S.B.I. bank account by online mode. He paid total amount of Rs.7,14,900/-. The informant was expected to get his Bhishi amount in month of February - 2024. Thea applicant did not give him a book of that Bhishi. The applicant had given information about the Bhishi to informant through WhatsApp messages. The informant was running many such Bhishi schemes with many members. He was regularly paying amount to them therefore, the informant believed the assurance given by the applicant. After the completion of date fixed for the Bhishi, the informant demanded the amount to the applicant that time informant told him that other people have not paid the installments. He was avoiding to return the amount, therefore the informant persuaded him for that amount. That time the applicant told him that he will take loan and repay the amount to him. It was revealed that the applicant sold his house. However, amount of informant was not repaid to him, therefore the informant lodged the report for refunding his amount of Rs.7,14,900/- and for cheating.

3. Learned Counsel for applicant submitted that, the applicant is ready to deposit total amount therefore he required some time. He submits that, because of other persons in the Bhishi there is misunderstanding between the informant and the applicant. He submitted that, the applicant will deposit the amount of Rs.5,00,000/- to the informant within a week. Learned Counsel for applicant further submits that, the applicant is also bound to pay amount of Rs.2,14,900/-. However, whether the informant had paid the

entire amount as stated by informant in the report is a matter of evidence that can be decided by the learned Trial Court either before or after filing of the charge-sheet.

4. Learned A.P.P. for respondent - State opposed the application and submitted that, the applicant is involved in the serious crime. The applicant has taken money from the people in that area wherein he is working on contract basis as a Postman. The investors are cheated by him therefore, his application was rejected by the Additional Sessions Judge, Aurangabad. Hence, she lastly prayed for rejection of present application.

5. Perused the papers. Considering the fact that, the applicant is ready to deposit / pay amount of Rs.5,00,000/- within a week and remaining amount of Rs.2,14,900/- within two weeks thereafter and if the said amount is not paid the applicant will surrender himself before the Investigating Officer or otherwise he can be arrested. Considering his submissions, the application deserves to be allowed. Hence, following order :

ORDER

I. The application is allowed.

II. In the event of arrest of the applicant in Crime No. 219 of 2025, registered with MIDC Cidco Police Station, Chhatrapati Sambhajinagar, Tq. and Dist. Chhatrapati Sambhajinagar for the offences punishable under Sections 316(2), 318(4) of the Bhartiya Nyay Sanhita and Sections 4 and 5 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978, the applicant be released on bail on execution of personal bond of Rs.25,000/- (rupees Twenty Five Thousands only) with surety of the like amount on the following conditions :

(a) The applicant shall deposit the amount of Rs.5,00,000/- (rupees Five Lacs only) within a week from today and an amount of Rs.2,14,900/- (rupees Two Lacs Fourteen Thousands Nine Hundred only) within two weeks thereafter, if the said amount is not deposited within a week the Investigating Officer may proceed further in accordance with law to arrest the applicant.

(b) The applicant shall not pressurize the prosecution witnesses, in any manner.

(c) The applicant shall not tamper with the prosecution evidence, in any manner.

(d) The applicant shall not indulge in similar activities again.

(e) The applicant is directed to remain present before the investigating officer as and when required.

(SANJAY A. DESHMUKH, J.)

Pooja Kale