



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

929 BAIL APPLICATION NO. 996 OF 2025

**SAKHARAM NAMDEO DHORKULE
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Shubham D. Jayabhar, Advocate for Applicant
Mr. S. B. Narwade, APP for Respondent/State

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 20.09.2025

PER COURT :-

1. Heard.
2. This is an application for granting regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.996 of 2024 registered at Shevgaon Police Station, District Ahilyanagar, for the offences punishable under Sections 409, 406, 420 and 34 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act.
3. The informant averred in the report that on 06.02.2024, the applicant visited the informant's residence and informed him that he and his friend had started a company named Guru Krupa Trading and Investment. The applicant convinced the informant to invest amount in their trading company, assuring a return of 16% per month. Subsequently, on 01.04.2024, the informant opened an account with

Guru Krupa Trading and Investment at Shevgaon branch and deposited an amount of Rs.22,50,000/-. He received a deposit receipt for Rs.12,50,000/-. Thereafter, the informant's mother also invested Rs.10,50,000/- in the said company. Thus, the total amount invested by the informant and his mother is Rs.33,00,000/-. The applicant and the co-accused had assured them that they would receive interest at the rate of 16% per month. However, the applicant neither returned the principal amount nor paid any interest. Upon realizing this, the informant concluded that the applicant had cheated and deceived him and others. Based on these allegations, the report was lodged.

4. The learned advocate for the applicant submitted that the applicant has roots in the society and he will not flee away from the trial. The trial will take long period. It is pointed out that the co-accused has already been released on bail. Therefore, on the ground of parity, it is prayed that the applicant may also be granted bail. The learned advocate for the applicant placed reliance on the case of ***Sanjay Chandra Vs. Central Bureau of Investigation, reported in 2012 Cri. L. J. 702***, particularly on paragraph No.14, which reads as under:

“14. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to

ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times. it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any Court to refuse bail as a mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson.

5. The learned APP for the State strongly opposed the application and submitted that the applicant, along with the co-accused, had convinced the informant to invest amount. A total sum of Rs.33,00,000/- was invested and the applicant subsequently cheated the informant. He further submitted

that if the applicant is released on bail, there is possibility that he may pressurize the prosecution witnesses and tamper with the evidence. It is lastly prayed to reject the application.

6. Perused the charge-sheet, particularly the report and statements of witnesses. The applicant is involved in a serious crime involving cheating to the tune of Rs.33,00,000/-. If he is released on bail, there is possibility that he may pressurize the prosecution witnesses and tamper with the evidence. As regards the contention of the learned advocate for the applicant that bail should be granted on the ground of parity, in Bail Application No.8 of 2025, the co-accused was granted bail on medical grounds, specifically because he was suffering from HIV, which was considered in paragraph No.7 of that order. Therefore, the ground of parity is not applicable in the present case.

7. In view of the above, the applicant is not entitled for bail. The application, therefore, deserves to be rejected. Accordingly, the application is rejected.

[SANJAY A. DESHMUKH, J.]

HRJadhav