

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1023 OF 2025

Ambadas Jemanu Rathod

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr. H.P. Jadhav
APP for Respondents: Mr. A.S. Shinde.

CORAM : MEHROZ K. PATHAN, J.

DATE : 6th NOVEMBER, 2025.

P.C. :-

The applicant seeks his release on anticipatory bail in connection with Crime No. 174 of 2025 registered with Majalgaon City Police Station, Dist. Beed for the offence under Section 420, 406 r/w. 34 of IPC.

2. The case of the prosecution is that, informant Macchindra Solanke was promised by the applicant to get a job in the institution managed by the applicant, which was likely to be granted recognition by the State. Upon such promise being made, the applicant has induced the informant to deliver Rs. 10 Lakhs for appointment as Clerk in the institution. The informant has paid Rs. 3 Lakhs through cheque of Tulja Bhavani Urban Bank and paid cash amount of Rs. 3 Lakhs in presence of witnesses. The informant has transferred an amount of Rs. 1 Lakh on 9.6.2023 and Rs. 25,000/- by Phone-pay. Thus, the applicant and his wife was arrayed as accused in the offence of cheating and criminal Breach of Trust.

3. The learned counsel for the applicant submits that his wife has already been released on anticipatory bail by the order of Sessions Court dated 4.6.2025. The application of the applicant has been rejected only on the ground that there is a possibility of commission of similar type of offence by the applicant as observed in para. 6 of the order. The counsel for applicant, therefore, submits that the institution was about to be recognized by the State, however, due to some dispute in the Trust, the things could not proceed further and as such, the complainant could not be given appointment as a Clerk.

4. The first informant has caused his appearance through Advocate Vinayak Solanke. The first informant has also filed an affidavit stating that the FIR was an outcome of a misunderstanding, however, the matter is settled, as the applicant has already paid back the amount and he has no objection for release of the applicant on anticipatory bail.

5. Learned APP, on the other hand, vehemently opposes the prayer for grant of anticipatory bail, as the offence of cheating and criminal breach of trust is clearly made out against the applicant. He further submits that the permission itself is not granted by the State Government to the institution, on the basis of which the applicant induced the complainant to pay the amount of Rs. 10 Lakhs. According to learned APP, this is not a fit case, wherein, anticipatory bail can be granted as the investigation is yet to be completed and there is every likelihood that the applicant may tamper with the prosecution evidence.

6. I have gone through the investigation papers and also perused the affidavit filed by the complainant dated 6.11.2025, wherein, the complainant Macchindra Solunke, has stated that since the applicant has already paid back the amount, he has filed this affidavit giving his

consent to quash the FIR. The affidavit is taken on record and marked "X" for the purpose of identification.

7. Having gone through the FIR and the nature of allegations made against the present applicant and the affidavit filed by the complainant, I am of the opinion that the discretion under Section 439 of Cr.P.C. can be exercised to protect the applicant. As the applicant also appears to have paid back the amount to the complainant, no fruitful purpose would be served by taking the applicant in custody. Hence, the following order

O R D E R

[I] In the event of arrest of the applicant in connection with crime No.174 of 2025 registered with Majalgaon City Police Station, Dist. Beed for the offence under Section 420, 406 r/w. 34 of IPC, he be released on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more sureties in the like amount; on the following conditions :-

[II] The applicant shall attend the Investigating Officer till the investigation is complete and as and when called by him and cooperate with the investigation.

[III] The applicant shall not tamper with the prosecution witnesses.

[iv] The application is disposed of. Criminal Application No. 2989 of 2025 for permission to assist the PP is allowed and disposed of.

[MEHROZ K. PATHAN]
JUDGE.

grt/-