



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

BAIL APPLICATION NO. 1564 OF 2025

BALAJI EKNATH KOYALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Ms. Yogita Thorat, h/f Mr. S. N. Morampalle.
APP for Respondent / State : Mr. R. S. Wani.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 14th October, 2025.

P.C.:

1 Heard both the sides.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C."), for grant of regular bail in connection with Crime No.0076 of 2024, registered with Majalgaon City Police Station, District Beed, for the offences punishable under Sections 406, 409 and 420 read with 34 of the Indian Penal Code, 1860 (for short, "the IPC").

3 The learned counsel for the applicant pointed out the report in which the informant averred that his brother's wife runs a commission agency under the name and style *Shivam Trading Company*. The informant was looking all the purchase and sale

transactions in the said shop.

4 The informant further averred that on 27th February, 2024, the applicant made phone call to the informant informing him that he is a resident of Gopal Canhousing, Latur, and inquired whether the informant had *Toor* and *Chana* for sale. The informant replied in the affirmative. The applicant then informed that he would send one Yogesh Hande Patil (i.e. co-accused) to inspect the goods and thereafter, they could finalize the transaction. On 28th February, 2024, while the informant was present in his shop, co-accused Yogesh came and informed that he had come to inspect the stock of *Toor* and *Chana*. The informant showed him the stock of *Toor* and *Chana* available in his shop, upon which co-accused Yogesh approved the said goods. Thereafter, the applicant informed the informant on phone call to prepare a bill in the name of Maheshwar Pulses, MIDC, Latur, for 121 quintals and 50 kilograms of *Chana* worth Rs.7,42,200/-, and 25 tonnes of *Toor* worth Rs.25,37,565/- and to dispatch the goods to Maheshwar Pulses Dal Mill, MIDC, Latur. It was agreed that the amount would be paid to the informant immediately through RTGS after the goods reached Maheshwar Pulses Dal Mill. Accordingly, the informant instructed Marathwada Transport, Majalgaon, to arrange for transportation. Accordingly, truck bearing No.MH-43-E-2952, driven by Rahimoddin Kasam Shaikh, was sent to the shop. The informant

loaded the truck with 121 quintals and 50 kilograms of *Chana* worth Rs.7,42,200/- along with bill No.629 and the weighbridge receipt, and dispatched it between 04:00 to 05:00 pm on the same day. On the next day, i.e. on 29th February, 2024 between 10:00 am and 12:00 noon, the said driver informed the informant on the phone call that the goods had been weighed at Venkatesh Weigh Bridge, MIDC, Latur, and had been unloaded nearby on a tarpaulin sheet. On receiving this information, the informant called the applicant and inquired why the goods had not been delivered to Maheshwar Pulses Dal Mill. At that time, the applicant said that the goods were being taken for cleaning.

5 The informant further averred that on the same day, i.e. on 29th February, 2024, 251 quintals and 30 kilograms of *Toor* worth Rs.25,37,565/- were loaded from Marathwada Transport, into a truck bearing No.MH-44-8816, driven by Kalik Shaikh Rajjak Shaikh, along with bill No.631 and the weighbridge receipt, and dispatched at around 07:00 pm. It was directed that the said goods be delivered to Maheshwar Pulses Dal Mill, Latur. However, on 1st March, 2024, between 08:30 am and 12:30 pm, the said goods were transferred (crossed) from the above truck into another truck bearing No.MH-40-CM-4590 at MIDC, Latur. While the goods were being crossed, driver Kalik Shaikh Rajjak Shaikh called the informant and informed him about the same. Therefore, the informant immediately called to the

applicant and co-accused Yogesh. They have informed to the informant that they want to clean the said goods. The driver further informed that while the goods were being crossed, the applicant and co-accused Yogesh arrived at the spot in a Swift Dzire car bearing No.MH-12-NJ-3454.

6 The informant further averred that after the said crossing was completed, he asked the applicant to transfer the total amount of Rs.32,79,765/-, through RTGS as agreed. The applicant assured that he would make the payment by the evening. However, despite repeated demands, the applicant and co-accused Yogesh did not pay that amount. The accused committed criminal breach of trust and cheated the informant. Therefore, the informant lodged the report.

7 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. The applicant has no criminal antecedents. He has never received the said goods. There were earlier quarrels between the applicant and the informant's relative and therefore, he has been falsely implicated in the crime. In two crimes i.e. Crime No.47 of 2022 and Crime No.303 of 2022, the applicant has been released on bail. His family is depending upon him. It is lastly prayed to grant bail to the applicant, as he has roots in the society and he will not flee away from the trial.

8 The learned counsel for the applicant relied upon the judgment of the Honourable Supreme Court in the case of ***Arnesh Kumar Vs. State of Bihar and another, (2014) 8 Supreme Court Cases 273.***

9 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime of cheating and misappropriation of huge goods worth Rs.32,79,765/-. The applicant is merchant and booked for the offence under Section 409 of the IPC, which is punishable with imprisonment for life. The applicant has criminal antecedents. He was absconding. If he is released on bail, he will pressurize the prosecution witnesses and tamper the evidence. It is lastly prayed to reject the application.

10 Perused the charge-sheet, particularly, the report, the statements of witnesses and documents of dispatching of goods to the applicant.

11 The applicant is booked for serious crime. There is reliable material against him. There are statements of the driver of truck and also other witnesses supporting the prosecution case. If the applicant is released on bail, certainly he will pressurize the

prosecution witnesses and tamper with the evidence. Therefore, though the learned counsel for the applicant is relying upon the case of **Arnesh Kumar** (supra), the directions while arresting the accused according to the applicant are not followed, is not the ground to release the applicant on bail. It is because no such ground is raised in the application before the Trial Court or this Court. Secondly, it is not pointed out that any prejudice is caused to the applicant, as per law laid down by the Honourable Supreme Court in the case of **The State of Karnataka Vs. Sri Darshan, 2025 INSC 979**, that unless prejudice caused to the applicant, he cannot take benefit of any such ground. Therefore, considering all these reasons, the application deserves to be rejected. The bail application is rejected.

[SANJAY A. DESHMUKH, J.]

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