



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2278 OF 2024

Kanifnath S/o. Suresh Khatal,
Age : 35 years, Occu. : Labour,
R/o. Patna,
Tq. Chalisgaon, Dist. Jalgaon.

... Applicant

Versus

The State of Maharashtra,
Through Police Station Chalisgaon,
Tq. Chalisgaon, Dist. Jalgaon.

... Respondent

.....
Mr. Suraj G. Dhormare a/w Mr. Sopan G. Bobade, Advocate for Applicant
Mr. C. V. Bhadane, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 24 JANUARY, 2025

ORDER :

1. Applicant seeks release on regular bail on account of his arrest in Crime No.56 of 2017 registered at Chalisgaon Police Station, Tq. Chalisgaon, Dist. Jalgaon for the offence punishable under section 420 of Indian Penal Code (IPC).

2. Learned counsel for applicant pointed out that, above crime is registered at the instance of one Manager of Tractor Agency. That, there are allegations that applicant purchased the tractor by handing down Rs.60,000/-. That, as there was previous

transactions with the company, possession of tractor was given. However, it is alleged that, cheques which were issued towards price of the tractor were dishonoured. That, on the strength of such allegations, above offence has been registered. Learned counsel pointed out that, he is behind bars since March 2024. Now, charge sheet is filed and as nothing is to be recovered or discovered from the applicant, learned counsel prays for grant of regular bail.

3. Learned APP opposed the application on the ground that, FIR is of 10.05.2017 and applicant was absconding. That, there is similar crime registered against him. Learned APP further pointed out that, though he was resident of Chalisgaon, he has shifted to Nashik and in view of above, as there is possibility of non availability and misuse of liberty, learned APP seeks rejection of the application.

4. Heard. Perused the papers. Apparently, FIR is of 10.05.2017. Substance of the FIR is that, present applicant approached the agency on 24.10.2016 for purchase of a tractor and made upfront payment of Rs.60,000/- and issued cheques towards remaining amount, but the cheques were dishonoured and as such above FIR has been lodged. It seems that applicant shifted to Nashik district and it is so evident from page no. 73 of the

papers placed before this court. Now, investigation is over and charge-sheet is already filed. Considering the nature of allegations, nature of crime registered and when nothing further is shown to be recovered or discovered, relief as prayed deserves to be granted. However, taking into account the concern of misuse of liberty expressed by prosecution, condition of not to leave jurisdiction of Chalisgaon police station without prior permission of this court till conclusion of trial is required to be imposed. Hence, the following order is passed :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Kanifnath S/o. Suresh Khatal be released on bail in connection with Crime No.56 of 2017 registered with Chalisgaon Police Station, Tq. Chalisgaon, Dist. Jalgaon on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not leave the jurisdiction of Chalisgaon Police Station without prior permission of this court till conclusion of the trial.

(ABHAY S. WAGHWASE, J.)