

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 4070 OF 2024

Puranchandra Surendra Senapati	.. Applicant
Versus	
State of Maharashtra	.. Respondent

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- Mr. Rajendra B. Mokashi for Applicant
 - Mr. Hitendra J. Dedhia, APP for State
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 7, 2025

P. C.:

1. Heard Mr. Mokashi, learned Advocate for Applicant and Mr. Dedhia, learned APP for State.

2. Insofar as the indictment and arrest of Applicant in present crime is concerned, Mr. Mokashi would submit that story of the prosecution cannot be believed from the inception stage itself. He would submit that allegation is that Applicant has received amount of Rs. 17 Lakhs from the first informant towards arranging admission of first informant's friend's son as also first informant's friend's niece in the Indian Army. He would submit that prosecution case itself states that the aforesaid amount was paid in three tranches. Mr. Mokashi has drawn my attention to the certain payments made and would submit that it would be evident that case of the prosecution is *prima facie* suspect.

3. In respect of the first tranche, he would submit that it is alleged that on 15.09.2023, cheque of Rs. One Lakh is stated to have been received by Applicant from the informant. However the bank account statement of first informant as also the bank account of Applicant do not reflect the debit or credit of this amount Rs. One Lakh as also any cheque entry therein is seen.

4. Insofar as the second tranche is concerned, prosecution case is that on 24.02.2023, first informant received an amount of ₹6 Lakhs from his friend Kamalkant Sharma, which as per the statement of first informant, was withdrawn by him after three days alongwith another additional Rs. 3 Lakhs and a total of Rs.9 Lakhs was handed over in cash to the present Applicant. He would submit that there is no proof of this particular allegation as stated in the prosecution case save and except the statement that is made,

5. *Prima facie* prosecution will have to show some proof of the aforesaid transactions and complicity and implication of the Applicant in the crime. Mr. Dedhia, learned APP would submit that Applicant is a habitual offender and he was engaged in several such cases in the past. Be that as it may, learned APP shall file affidavit in reply explaining the above as also antecedents of the Applicant which shall be filed within a period of three weeks from today.

6. Stand over to **28th March, 2025 at 2:30 p.m.**

Amberkar

[MILIND N. JADHAV, J.]

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