

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

HEMANT
CHANDERSEN
SHIV

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.1148 OF 2025

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HEMANT
CHANDERSEN SHIV
Date: 2025.05.22
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Bhagwan Balkrishna Chanche

Age : 50 Years. Occ. Agriculturist

R/at : Ambivali, Mangaon (Neral)

Karjat, Raigad

... Applicant

V/s.

The State of Maharashtra

(Through Kulgaon Police Station)

... Respondent

WITH

CRIMINAL BAIL APPLICATION NO.1167 OF 2025

Suresh Harishchandra Tokre

Age : 54 Years. Occ. Agriculturist

Achyutrao Kulkarni Plot, R/o. Ambivali,

Po. Mangaon (Neral)

Tal. Karjat, Dist. Raigad,

(At present lodged in Thane Central Jail)

... Applicant

V/s.

The State of Maharashtra

(At the instance of Kulgaon Gramin Police Station)

... Respondent

Mr. Hrishikesh Mundargi a/w Adv. Pravada Raut i/b Mr. Meghdeep Oak for the Applicant in Criminal Bail Application No.1148 of 2025.

Mr. K.S. Patil a/w Ms. Saili N. Dhuru and Mr. Sanket J. Bhase for the Applicant in Criminal Bail Application No.1167 of 2025.

Ms. K.T. Hiwrale, A.P.P. for Respondent-State.

Mr. Vaman A. Kamadi, P.S.I., attached to Kulgaon Police Station, Thane Road, present.

**CORAM : SHYAM C. CHANDAK, J.
(VACATION COURT)**

DATE : 21 MAY 2025.

P.C. :

1) The Applicants are arraigned as accused in C.R. No.05 of 2025, dated 24 January 2025, registered with *Kulgaon* Police Station, for the

offences punishable under Sections 406, 420 and 34 of the Indian Penal Code, have filed the present bail application under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 (BNSS).

2) Ms. Hiwrale, learned A.P.P. for the Respondent-State tendered separate “Report” in the Application. The same are taken on record and marked ‘X’ for identification.

3) Heard learned Advocate for the respective Applicants and learned A.P.P. for the Respondent-State. Perused the Application.

4) The prosecution’s story is that the Government has acquired certain land situated in Mauje Daiwali Malichiwadi, Badlapur, Tal. Ambernath and paid the compensation of Rs. 5 crores 77 lakhs to Smt. Bharti Vagh and Sunita Divekar, as the 7/12 extract of the land was recorded in their names. The informant and the witnesses (“victims”, for short) were also having share in the compensation amount. Therefore, they contacted with the Accused No.1 and the Applicants, who assured the victims that they would get them their share in compensation. Thereafter, the Applicants arranged for settlement talks in between all the claimants. As per the settlement, Smt. Bharati Wagh transferred total 90 lakhs in the name of the 9 victims and Rs.20 lakhs in the name of the witness Tukaram Mukne. However, all the accused including the Applicants fraudulently transferred total Rs.74,50,000/- in their names by deceitfully obtaining the signatures and thumb impressions of the victims. Consequently, the Applicants came to be arrested. Thereafter, the Applicants sought for bail before the Court of the

learned J.M.F.C., Ulhanagar and the Sessions Court, at Kalyan. However, the said Courts declined to grant the bail. Hence, these Applications.

5) Mr. Mundargi, and Mr. Patil, the learned Advocate for the Applicants submitted that, as alleged, the Applicant Suresh Tokre has received total Rs.10 lakhs out of the fraud amount, but Rs.15 lakhs have been recovered from him. Similarly, as alleged, the Applicant Bhagawan Chanche has received Rs.9 lakhs, but Rs.11 lakhs have been recovered from him. The investigation is over and charge-sheet is filed, as submitted by the learned A.P.P. As such, further detention of the Applicants in jail will not serve any purpose. The Investigating Officer is present and he states that the Applicants are permanent resident of the addresse given in the Applications. The Applicants are not likely to abscond. The Applicants have no criminal antecedents.

7) In view thereof, I am inclined to allow the Applications. Hence, the Order :-

: O R D E R :

- (i) Bail Application Nos.1148 of 2025 and 1167 of 2025 are allowed.
- (ii) The Applicants, namely, Bhagwan Balkrishna Chanche and Suresh Harishchandra Tokre, are released on bail in C.R. No.05 of 2025, dated 24 January 2025, registered with Kulgaon Police Station, for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code, on executing a P.R. bond in the

sum of Rs.50,000/- each with one or two sureties in the like amount.

- (iii) The Applicants shall not tamper with the prosecution evidence and threaten the prosecution witnesses.
- (iv) The Applicants shall attend at *Kulgaon* Police Station, District Thane (*Gramin*) twice a year, i.e., on 1st June and 1st December of every calendar year, till further Orders.
- (v) Applicants shall regularly attend before the Trial Court on the given dates.
- (vi) The Applicants shall furnish their contact details to the Trial Court as well as to the Investigating Officer.
- (vi) Application stands disposed of in the above terms.

(SHYAM C. CHANDAK, J.)