



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 BAIL APPLICATION NO. 458 OF 2026

RADHESHYAM SHIVDAS DEVKATTE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Rahul Gajanan Joshi

APP for Respondents/State: Mr. S. A. Gaikwad

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CORAM : SACHIN S. DESHMUKH, J.

Date : 08.06.2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 01.03.2025 bearing Crime No. 133 of 2025 registered with Ahamadpur Police Station, Dist. Latur for the offences punishable under Sections 316(2), 318(4) 336(3), 3(5) of the Bharatiya Nyaya Sanhita, Bharatiya Nyaya Sanhita, 2023.

2. The informant became acquainted with the accused/applicant in April 2023. The accused offered to secure a job for the informant in the postal department in exchange for Rs.3,00,000, promising to procure the necessary mark sheets and degrees from the relevant department. Consequently, the informant agreed to pay Rs.1,70,000 each for himself and three relatives. He subsequently

transferred Rs.2,80,000 to the accused via Google Pay. Additionally, another victim, Ramdas Totre, paid Rs.3,24,700 to Ramdas Devkatte for a similar job. The accused also indicated candidates' purported mark sheets on the official website.

3. The accused informed the victims that the documents were being fabricated by co-accused Nandkishor Patil. He further instructed them to keep their money ready by September 4, 2023, when Nandkishor Patil would deliver the original mark sheets. Subsequently, on September 4, 2023, at approximately 12:30 p.m., co-accused Nitin Patil arrived by car. Upon confirming that the cash was ready, the informant paid him Rs.4,00,000, and Ramdas Totre paid him Rs.4,25,000, in the presence of the applicant. In exchange, Nitin Patil handed over the original mark sheets and degree certificates. Although the victims later received selection messages, verification revealed that both the documents and the selection messages were forged. When confronted, the accused and Nitin Patil claimed they would resolve the issue. Investigation revealed that Nitin Patil, the applicant Radheshyam, and others systematically duped multiple individuals under the pretext of job offers, leading to the registration of the present FIR.

4. The learned counsel for the Applicant submits that the applicant is falsely implicated in the crime. The applicant has not misappropriated to alleged amount and the same is forwarded to same co-accused no. 1. Applicant himself is a victim. The applicant is in custody since his arrest on 13/06/2025 i.e. for more than 11 months. The investigation is complete and the charge-sheet is filed. As such further incarceration of the applicant would be unjustified. Hence, prayed to allow the application.

5. Per contra, the learned APP submits that the involvement of the Applicant is evident from the fact that he has received the amount from the informant. Hence, there is complicity of the applicant and therefore, prayed for rejection of the application.

6. Having heard the submissions from both the sides and upon perusal of the record including the chargesheet, *prima facie*, establishes that the present applicant had received the money in cash, *vis-a-vis* UPI payment mode and the statements to that effect have been recorded by the Investigating Officer. It further transpires that the marksheets and other fake documents were prepared and a fake website was also created by the accused persons in order to dupe the

unemployed youths under the pretext of providing the employment and equally, the fake messages were also sent to the informant and the similarly situated candidates.

7. The Hon'ble Apex Court in the case of **Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)**, has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie case. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offense.

8. Equally, the Hon'ble Apex Court in case of State of UP through **CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the prosecution has collected overwhelming evidence against the present applicant.

9. In view of the aforesaid precedents and further perusal of the record reveals that the applicant has made successive bail applications before the trial Court. Moreover, the fact that the applicant received the sum of money from the victim and further parted it to the

co-accused, *prima facie*, establishes common intention shared by the applicant. As such, I am not inclined to exercise discretion in favour of the applicant.

10. Accordingly, the Bail Application stands rejected.

(SACHIN S. DESHMUKH, J.)

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