IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLN. NO. 3560 OF 2025

GAJANAN DATTATRAY GORE
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant : Mr. Shailesh Karat a/w Mr. Govind M Mundhe a/w Mr. Parthraj Ware a/w Mr. Vinod Kendre
APP for Respondent-State : Mr. Nitin B. Patil
...
WITH
CRI-INTERIM APPLICATION NO. 3737 OF 2025
IN
CRIMINAL BAIL APPLN. NO. 3560 OF 2025

NAVNATH BALASO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA
...
Advocate for Applicant (Intervenor) : Mr. Shailesh D. Chavan
...

CORAM : SACHIN S. DESHMUKH, J.
Date : 2nd April, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 27.08.2023 bearing Crime No. 652 of 2023 registered with Satara City Police Station, Dist. Satara for the offences punishable under Sections 406, 408, 420, 467, 471, 504 and 506 read with 34 of Indian Penal Code.

2. The informant is the proprietor of business entities: Satara Advertising Company, a digital marketing firm specializing in bulk messaging, website development, and social media marketing, and the I-Can Training Institute, which operates multiple branches throughout Maharashtra. The applicant was employed by the informant as a Business Development Manager to oversee the operations of both organizations. In this professional capacity, the applicant received a monthly salary ranging from Rs. 10,000 to Rs. 30,000.

3. The prosecution contends that when the informant expanded operations by establishing a residential academy at Talegaon Dabhade, the applicant was entrusted with the management of this new branch. It is alleged that the applicant exploited this position of trust to systematically misappropriate a total of Rs. 1,66,00,000 from the legitimate business funds belonging to the informant. The prosecution contends that this siphoning of capital constitutes a significant financial fraud and a criminal breach of trust committed during the course of employment.

4. By way of an order dated 01.04.2024, this Court

granted bail to the applicant in Bail Application No. 445 of 2024, wherein an undertaking was given by the applicant would deposit a sum of Rs. 25,00,000/- before the Trial Court, to be held pending the final outcome of the proceedings. However, the applicant failed to comply with this specific stipulation. Consequently, the informant moved this Court in Interim Application No. 4524 of 2024, leading to an order on 04.07.2025 under Section 483(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) cancelling the said bail.

5. Aggrieved by the cancellation, the applicant preferred an appeal before the Hon’ble Supreme Court in Criminal Appeal No. 3219 of 2025. While the Apex Court dismissed the appeal, it granted the applicant liberty to surrender and subsequently file a fresh application for regular bail before the concerned court, to be decided strictly on its own merits and in accordance with the law. Following his surrender, the applicant’s plea for bail was rejected by the Trial Court. As a result, the applicant has now approached this Court seeking release on bail.

6. The learned counsel for the applicant submits that the present allegations of siphoning Rs. 1,66,00,000/- are primarily

based on documentary evidence and business accounts that are already in the possession of the investigating agencies. Since the entire case rests on an audit of these records, there is no requirement for the applicant's continued custodial interrogation. The applicant has already surrendered in compliance with the directions of the Hon'ble Supreme Court demonstrating his bona fides.

7. The applicant remains willing to abide by any reasonable conditions this Court may now deem fit to impose. Furthermore, the Hon'ble Apex Court, while dismissing the earlier appeal, specifically granted liberty to the applicant to move this fresh application to be decided on its own merits. Hence, prayed to allow the application.

8. The learned APP and the learned counsel for informant have opposed the application and submitted that the crime is serious in nature and there is sufficient material on record to establish the complicity of the applicant. The applicant has systematically defrauded the informant of a staggering sum of Rs. 1,66,00,000/-. This is not a mere technical default but a serious economic offence involving a calculated breach of trust.

Considering the magnitude of the siphoned amount, there is a strong apprehension that the applicant may use these funds to tamper with evidence. Hence, it is prayed that the application be rejected.

9. Considering the submissions of litigating sides and perusal of the record, including the history of the previous bail orders and the subsequent directions of the Hon'ble Apex Court. While the prosecution heavily relies on the gravity of the alleged misappropriation amounting to Rs. 1,66,00,000/-, it is a settled principle that the seriousness of an offence, while a relevant factor, cannot be the sole basis for the indefinite deprivation of personal liberty, especially when the case primarily rests on documentary evidence and audited accounts.

10. Moreover, since the applicant was employed as a Business Development Manager, the entire money trail of the alleged siphoned funds is presumably recorded in the ledgers and bank statements of the Satara Advertising Company and I-Can Training Institute. As these documents are already within the custody of the investigating agency, the possibility of the applicant tampering with such evidence while on bail is significantly diminished.

11. Regarding the applicant’s previous failure to comply with the deposit condition stipulated in the order dated 01.04.2024, the Hon’ble Apex Court has directed the Court to adjudicate the matter strictly on its own merits rather than being a technical default.

12. Furthermore, the nature of the dispute appears to be a crime involving a master-servant relationship and financial accounting. The trial in such matters involving voluminous transactions is unlikely to conclude in the near future. Keeping the applicant in custody for an extended period during the trial would amount to pre-trial incarceration, which is contrary to the constitutional mandate of Article 21.

13. The apprehension expressed by the learned APP and the learned counsel for informant regarding the influence of witnesses can be adequately taken care of by imposing stringent conditions. Moreover, the alleged offences are triable by the learned JMFC Court.

14. Considering that the necessary documents were already collected, no fruitful purpose would be served by keeping the

applicant behind bars. Hence, the applicant deserves to be enlarged on bail by imposing stringent conditions. Hence, the following order: :-

ORDER

(I) Application is **allowed**.

(II) Applicant – Gajanan Dattatray Gore be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 652 of 2023 registered with Satara City Police Station, Dist. Satara for the offences punishable under Sections 406, 408, 420, 467, 471, 504 and 506 read with 34 of Indian Penal Code, on the following conditions :-

(a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.

(b) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.

(c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.

(d) Breach of any of the conditions by the applicant would entail the cancellation of the bail.

(iii) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(Iv) Resultantly, pending interim applications, if any, also stand disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi