HEMANT CHANDERSEN SHIV

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.2784 OF 2026

Ganesh Bhaskar Raokhande ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Subhash Jha with Siddharth Jha with Chetan Gogawale i/b Law Global Advocates for the Applicant.
Mr. V. A. Kulkarni, APP for the Respondent-State.
Mr. Prateek Dutta for the informant.
Mr. Sham Bhise, DCB CID Unit-4, Mumbai present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 9th OCTOBER 2026

P.C. :-

1. Heard learned Counsel for the parties.

2. Present application seeks release of the applicant on bail in connection with FIR in Cr. No.139 of 2025, registered with Sir J. J. Marg Police Station for the offence punishable under Sections 3(5), 316(2), 318(4), 336(2), 336(3), 338, 340(2), 341(1) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), on the report dated 4th April 2025, filed against the applicant by the informant Ms. Aruna Bhoir.

3. The prosecution case is that, between 30th January 2022, till 4th April 2025, co-accused Luv Gupta along with the applicant, Kush Gupta, Kunal Patil and Popat Palad deceived the informant making false promise that they would get her daughter admitted for the course of MD medicine in Sir J. J. Group of Hospital, Byculla, at lesser amount and sending her a false email about confirmation of the admissions, the accused persons dishonestly induced the informant to pay them total Rs.51,90,621/- through banking

transaction and cash, and also issued her fake/false/forged payment receipt. However, neither the admission was secured nor the said money was refunded. Thus, the applicant and co-accused persons cheated the informant. As a result, the aforesaid crime came to be registered. The applicant and other were arrested. Investigation, led to filing of charge-sheet. The trial Court as well as the Sessions Court rejected the bail application of the applicant.

4. Mr. Jha, learned Counsel for the applicant submitted that, the name of the applicant is not mentioned in the complaint dated 2nd January, 2025 and, statement of the informant recorded on 23rd January, 2025, i.e., prior to lodging of the said Report. There is no material showing direct or indirect direct involvement of the applicant in present crime. There is no recovery of any ill-legal cash, luxury assets or bank deposits linking him to the proceeds of the crime. Hence bail may be granted.

5. Mr.Kulkarni, the learned APP with the assistance of the Investigating Officer as well as the informant submitted that, on 19th November 2022, the applicant was present along with co-accused Luv Gupta in the premises of J.J. Hospital. At that time, the applicant and Luv Gupta received an amount of Rs.84,000/- from the informant and issued her a fake payment receipt in the name of J. J. Hospital. Therefore, it is contended that there is prima facie case against the applicant of having committed this offence jointly with all the co-accused. He submitted that the applicant has three criminal antecedents of same nature. Therefore, the applicant is not entitled to be released on bail.

6. I have considered these submissions. Record indicates that, initially, a complaint dated 2nd January 2025 was filed with the Joint Commissioner of Police (Crime) Crawford Market. During

inquiry of that complaint, a statement of the informant was recorded on 23rd January 2025. There is no reference of the applicant in the said complaint and statement. There is no sufficient material to prima facie conclude that the informant and her daughter had seen the applicant along with co-accused Luv Gupta on 19.11.2022, when the informant had paid them Rs.84,000/-. According to the learned APP Mr.Kulkarni, the identity of the applicant was revealed during the course of enquiry of the complaint dated 02.01.2025. However the evidence based on which the applicant's identity was confirmed, is not produced. Although the applicant's name is referred in the Report dated 04.04.2025, the Investigating Officer has not verified as to whether the handwritten contents in the alleged fake payment receipt of Rs.84,000/- in the name of J.J. Hospital were written by the applicant or Luv Gupta. Therefore, whether the applicant has committed this offence or not, is the question of trial.

7. In view thereof, the applicant is entitled for bail. Hence, Order :-

(i) The applicant – Ganesh Bhaskar Raokhande be released on bail in aforesaid FIR registered with Sir J. J. Marg Police Station, on his executing P.R. Bond in the sum of Rs.2,00,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Sir J. J. Marg Police Station on 1st day of a month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

(iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

(iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.

(v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

(vii) It is clarified that any observation made in the present order are for the purpose of deciding the present Bail Application and should not influence the out come of the trial and also not be taken as an expression of opinion on the merits of the case.

8. At this stage, as requested by the learned Counsel Mr.Jha, the applicant is granted four weeks time to furnish surety. Till then, the applicant be released on bail on his executing a P.R. Bond in the sum of Rs.2,00,000/- and depositing a sum of Rs.1,00,000/- in lieu of furnishing the surety bond. On furnishing such surety/ies, the amount of Rs.1,00,000/- deposited by the applicant shall be returned.

9. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)