

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 4698 OF 2025

Santosh Shankar Bhanuse

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. Dhanraj A. Lodha for the Applicant.

Mr.R.M. Pethe APP for the State.

Mr. Ajay Bhosle, API, Agripada Police Station,

CORAM: R. M. JOSHI, J.

DATED: 02nd APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR. No. 340 of 2024 registered with Agripada Police Station, Mumbai for the offences punishable under Sections 406, 420 and read with 34 of the Indian Penal Code, 1860.

2. The first informant lodged report, making allegation against accused no.1 that he induced her to deposit Rs. 10 Lakh in his company i.e. TRADE INDIA DREAM BELIVE ACHIVE. She was assured handsome returns. She and her family members invested total sum of Rs.1,11,00,000/-with

accused no.1. Since these amounts were not returned to the informant and others. Therefore, report came to be lodged.

3. During the course of investigation, diary was found in possession of accused no.1 wherein there were certain names mentioned in the abbreviation. Investigating agency attributed the present applicant and and charged him for receiving the benefit of the crime. On conclusion of the investigation chargesheet came to be filed.

4. Learned Counsel for the applicant submits that there is no allegation against the present applicant either in First Information Report or statement recorded during the course of the investigation to indicate that applicant has no concern with the company of the accused no.1 or that he instigated anyone to invest with accused no.1. In so far as the diary of the applicant is concerned, it is submitted that first of all statement of accused cannot come on evidence during the trial and there is no further investigation carried out in order to show that the names mentioned in the application i.e. SNT belong to present applicant. It is his submission that barring

this evidence, there is absolutely no evidence to connect applicant with the crime, as such he is entitled for bail.

5. Learned APP opposed the application by submitting that against the present applicant similar crimes are registered, one of such application for bail is for hearing on today's board. It is his further submission that *modus-operandi* of the present applicant is the same as in the present case. It is argued that there is evidence to indicate the receipt of the money by the applicant as reflected from the statement of the co-accused. It is support with the diary seized from accused no.1. It is his submission that the considering the similar nature of crime registered against applicant, he is not entitled for grant bail.

6. *Prima-facie*, perusal of the record indicates that except for the alleging statement of the accused and diary seized from the accused no.1, there is absolutely no other evidence to connect applicant with the crime. In so far as the statement of the accused made to the police station is concerned the same would not be admissible evidence during the trial. Once

the investigating agency seizes the diary which is incriminating against the present applicant or any other person for that sake, whose names are mentioned therein, it is obligatory for the agency to carry out further investigation in order to show allegations mentioned therein is the name of the present applicant. There is absolutely no investigation carried out in this regard. Thus, on the face of it, there is no evidence against the applicant to connect him with this crime. Merely because others crime registered against him, bail cannot be rejected once prima-facie there is no evidence against him.

7. Hence, following order:

8. i) Application stands allowed.

9. ii) Applicant seeks bail in connection with CR. No. 340 of 2024 registered with Agripada Police Station, Mumbai, on furnishing PR Bond sum of Rs. 30,000/- with one or two sureties in the like amount till the satisfaction of the Trial Court.

iii) Applicant to attend all dates of hearing before the Trial Court unless exempted.

10. The observations made in this order are prima facie in nature and will not bind parties or Trial Court during trial.

(R. M. JOSHI, J.)