

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 28 OF 2022

{Jyotirao Dagadu Khairnar Vs. The State of Maharashtra through
Sarkarwada Police Station}

This is an application under section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in crime No. 419 of 2018 registered with Sarkarwada Police Station under sections 406 and 420 read with section 34 of the I. P. C. and under sections 3 and 4 of the Maharashtra Protection of Interest of Depositors. (in Financial Establishments) Act, 1999.

02] The applicant contended that false and fabricated case is registered against him. He is innocent and not committed any offence. He is falsely involved in the crime. No prima-facie case is made out against him. He has no intention to cheat the complainant. He has paid Rs. 2,60,000/- to the complainant. He is permanent resident of the address mentioned in the application. His custodial interrogation is not required. He is suffering from various diseases. He has no criminal antecedent. He is ready to abide by any conditions imposed by the court. He has prayed for grant of anticipatory bail.

03] I. O. filed say at Ex. 07 and APP filed say at Ex. 06. They have stated that the offence is of serious nature. The accused has cheated the complainant and two other persons, total amounting to Rs. 3,81,090/-. Charge sheet against him is filed in the court. If he is released on bail, he will not attend the court, will commit similar offence and will threat the complainant and the witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per the above stand taken.

05] I have gone through application, say, arguments and Police papers. In this case, the amount involved as per police report is

3,81,090/-. Most of the amount is repaid by the accused to the complainant. The number of investors cheated is only three and the amount is also not huge. The police does not require the custody of the accused and so, during investigation, they have even not issued notice under section 41A of Cr. P. C. The investigation is completed and charge sheet is filed. The accused has no criminal antecedent. He has deep roots in the society. He has repaid much amount to the complainant i.e. more than the principal amount. He is suffering from several diseases. His custodial interrogation is also not required by the police. Under such circumstances, he is entitled for conditional bail. Hence, the following order:

ORDER

- 01] Application is allowed.
- 02] In the event of arrest, the accused namely Jyotirao Dagadu Khairnar be released on bail on executing personal bond of Rs. 15,000/- with one or more surety in the likewise amount each in crime No. 419 of 2018 registered with Sarkarwada Police Station under sections 406 and 420 read with section 34 of the I. P. C. and under sections 3 and 4 of the Maharashtra Protection of Interest of Depositors. (in Financial Establishments) Act, 1999., to the satisfaction of I. O.
- 03] The accused shall attend police station as and when his attendances is required by the I. O. He shall attend the court regularly.
- 04] He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] He shall not tamper the prosecution evidence in any manner.
- 06] He shall not leave India without permission of this court.

- 07] He shall not commit similar type of offence.
- 08] He shall furnish his detailed address with proof and his mobile number.
- 09] Inform the concerned Police station accordingly.

Date : 24.01.2022

(R. R. Rathi)
Additional Sessions Judge-5,
Nashik.