

MHAK010008742026



Cri. Bail A. No. 138/2026
Sunil Vs. State of Mah.

ORDER BELOW EXHIBIT-01.

[Passed on 07th March, 2026]

This is an application for pre-arrest bail U/s. 482 of the BNSS, 2023. The applicant namely, **Sunil Dharma Jadhav** arrayed as an accused in crime No. 698/2025 registered with Police Station Khadan, Akola for the offences punishable under Section 342(1), 341(1), 340(2), 337, 336(2), 336(3), 319(2), 318(2) read with 3 (5) of Bhartiya Nyaya Sanhita, 2023.

The Prosecution case in brief is as follows :-

02] The informant namely Dinkar Motiram Ghaywat lodged report to police station Khadan that he is retired teacher having one daughter namely Shital and son namely Sunil. They both are educated but unemployed. He is having cordial relations with the accused Sunil Jadhav and his wife Rajani Jadhav as Sunil Jadhav was also teacher and they worked together for ten years in same school. Therefore, taking benefit of said relations, the accused Sunil Jadhav and Rajni Jadhav called him to his house along-with original educational documents of his son. Accordingly, they assured to provide and secure Government Job for his son through MPSC. They also assured him that they are acquainted and having good relations with the other accused persons namely Nilesh Rathod, Subodh Patil, Lahuji Patil, Subhash Rajput, Rahul Mahalle and Mahendrasingh Rajput. They all are having good connections with concerned departments and can obtained the appointment order easily. In such way, they

succeeded to gain the trust of informant and accordingly grabbed total amount of Rs. 33,00,000/- from him time to time. Thereafter, the accused persons by conspiring with each other gave one false and forged appointment order to his son. At that time, he realized that the accused persons have cheated him on the pretext of securing the appointment as a Government Officer through MPSC and for the same they have counterfeited some documents and also committed forgery. When the informant raised said issue publicly, some other persons also met him and told that the accused persons also cheated them in same way. Thereafter, the accused namely Sunil Jadhav transferred his immovable property in the name of informant as a security and assured to return him said money but failed to do so.

03] It is the contention of applicant that he is falsely implicated in this case. There is delay in lodging the report. In fact, the informant himself has requested him to contact with Nilesh Rathod as he heard that he used to provide Government Job. In fact, he has no any acquaintance with Nilesh Rathod and other accused persons. Therefore, whatever financial transactions were taken place in between informant and said other accused persons are without his consent and assurance. In spite of it, the informant by alleging that he is responsible for his financial loss forcibly get executed sale deed of his house property in his favour. He has lodged report of said fact to the concerned police station and also filed civil suit seeking cancellation of said sale deed. Thereafter, the informant has lodged the said report against him. In fact, he has not cheated the informant and is not involved in the said crime. His custody is absolutely unnecessary. Nothing is to be recovered or discovered from him. The Hon'ble High Court already has granted anticipatory bail to his wife. His role is absolutely similar and therefore he is also entitled for bail. On this count, he prayed for pre-arrest bail.

04] Per contra the Ld. APP and I.O. have strongly opposed the application on the count that the offence is of serious nature. The present applicant is the main culprit and master mind behind the said crime. He has introduced the other accused persons with the informant and by gaining his trust compelled him to transfer the amount of Rs. 33,00,000/- to them. Not only that but the present applicant himself has accepted cash amount in said crime from the informant. Not only that but he has cheated other persons in same way. He has prepared false documents bearing Government seal, logo and other material contents. The amount obtained by playing fraud is yet to be recovered. He is habitual offender and crime of similar nature is already registered against him. Therefore, to unfold so many material facts his interrogation is absolutely necessary. There is ample evidence to prove his involvement in the crime. If he is released by granting pre-arrest bail then the investigation will get adversely affected. On this count, they prayed to reject the application.

05] Heard learned counsel for applicants and Learned APP at considerable length. Perused the material on the record. Following points arise for my determination to which, I have recorded my findings with reasons as follows :-

Sr. No.	Points	Findings
1.	Does applicant prove that he has made out ground for pre-arrest bail under section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 ?	No.
2.	Whether applicant is entitled for bail as prayed ?	No.
3.	What order ?	As per final order.

As to Point Nos. 1 to 3 :-

06] I have given due consideration to the rival contentions of both the parties and submissions made on their behalf. From the said rival contentions, it clearly appears that the applicant is also not denying the fact of fraud and cheating by other accused persons of the informant on the pretext of providing Government Job to the son of informant. Not only that but the applicant is also not denying the fact of payment of amount of Rs. 33,00,000/- by the informant in said fraudulent transaction. It is only defence of applicant that he has not introduced the said co-accused persons with the informant and he is not acquainted with them. Per contra, on the request of informant he made contact to accused Subodh Patil and the further financial transactions between the informant and other co-accused persons are done without his consent and knowledge.

07] Therefore, firstly is it necessary to test the truthfulness of said defence. For the same, I have minutely scrutinized the case diary. The informant has specifically alleged that after getting knowledge of education of his son, the applicant called him to his house and assured to provide Government job if he pays money to them. Not only that but the informant has specifically alleged that he has handed over initial amount of Rs. 15,00,000/- in cash to present applicant in his house. Not only that from the case diary, it appears that thereafter the applicant along-with other co-accused met with son of informant in ITC hotel, Mumbai. The I.O. has collected the concerned photographs which clearly shows the presence of present applicant in ITC hotel along-with other co-accused. If really, the present applicant has only made contact with Subhodh Patil and has not concerned with him and only facilitated the communication between the informant and him then there was no reason for him to remain present in the ITC hotel along-with said co-accused. Therefore, it is sufficient to

falsify his defence that he has no concerned with the co-accused.

08] Moreover, from the case diary, it also appears that one of the co-accused namely Mahendrasing Rajput has executed one notarized document in which he has specifically stated that the present applicant has gained the confidence of informant and as per his direction, the informant has paid the said amount of Rs. 33,00,000/- to the accused persons. Not only that but after disclosure of said fraud, they have repaid some part amount to the informant. The said fact is also sufficient to show the active involvement of present applicant in said crime.

09] The Ld. counsel for applicant tried to submit that there is delay in lodging report and the informant forcibly get executed sale deed of his house in his name and he has lodged report of said incident to the police station and has also filed civil suit with that regard. It clearly appears that there is no any FIR registered in pursuance of said report of the applicant. Moreover, in the said civil suit the present informant has made the counter claim denying the said contentions of present applicant. It can not be ignored that, as per the contention of informant, on repayment of said amount obtained by said accused persons by playing fraud he agreed to reconvey the said house. Therefore, as per the contention of informant the said transaction is of security to said amount and the said story is most probable considering the allegations leveled in the FIR. If the informant is acting mischievously and trying to grab the property of applicant then there was no reason for him to state that he agreed to reconvey the property on repayment of said grabbed amount. He could say that, he became the absolute owner of property. Moreover, the co-accused Mahendrasing Rajput also affirms the said contentions of informant by executing notarized document. Therefore, only because the present applicant has filed the civil suit and made complaint to the police

station which is not registered as FIR, it can not be said that the allegations of present informant are false. Therefore, I am not much impress by said submissions made on behalf of applicant.

10] Moreover, from the case diary it clearly appears that there is ample prima-facie evidence to prove the active involvement of present applicant in the said crime. Not only that, but it appears that he is the main culprit and mastermind behind the said crime of cheating and fraud. From the case diary, it also appears that similar nature of complaint is made against him in Nasik District. Therefore, it is sufficient to show that by similar modus operandi, the applicant has cheated multiple persons and the possibility of grabbing huge amount from the society can not be ruled out.

11] Therefore, in my considered opinion to ascertain the fact from where and how they have prepared the said false and forged appointment orders and how they have cheated multiple persons with similar modus operandi and other how many persons are involved in the said syndicate and also to unearth multiple factors, the custodial interrogation of present applicant is absolutely necessary. It can not be ignored that though the Hon'ble High Court has granted anticipatory bail to his wife namely Rajani but the allegations against her was she was only present in the house when the present applicant induced the informant and received the amount. Therefore, her role is absolutely different and benefit of it can not be given to present applicant.

12] At this juncture, it is also pertinent to note here that the Hon'ble High Court already has turned down the relief of pre-arrest bail to the accused namely Subodh Patil by order dtd. 30.01.2026 in criminal application (ABA) No. 998/2025. The role of present applicant and said

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accused is identical. Therefore, in my considered opinion, for the said reason, I am of the opinion that the present applicant is also not entitled for pre-arrest bail. It can not be ignored that the investigation is at initial stage and multiple factors are yet to be unfolded. Therefore, it is not fit case to grant pre-arrest bail as prayed. Hence, for the said reason, I answer point nos. 1 and 2 **in the negative** and in answer to Point no. 3, I proceed to pass following order:-

- ORDER -

Criminal Bail Application No.138/2026 stands rejected.

Date : 07.03.2026
Akola.

[**Rahul A. Shinde**]
District Judge-3 and A.S.J.,
Akola.

CERTIFICATE

I affirm that the contents of this PDF file are same word for word as per original order.

Name of Steno	:-	S. D. Tekade, Stenographer (Gr-2).
Court's name	:-	District Judge-3 and Additional Sessions Judge, Akola
Date	:-	07.03.2026
Signed by P.O. on	:-	07.03.2026
Uploaded on	:-	07.03.2026