

MHKO010006952026.



In the Sessions Court, Kolhapur, at Kolhapur

(Presided over by R. V. Utpat, Additional Sessions Judge, Kolhapur)

Anticipatory Bail Appln. No.150/2026

Amar Balwant Sutar **Applicant-Accused.**

Versus

The State of Maharashtra **Opponent.**
Through Juan Rajwada P. S.

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Appearance:-

Adv. Mr. R. V. Patil, for the Applicant.

Ld. APP Smt. P. J. Jadhav, for the State

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Order below Exh. 1

1. The applicant is seeking bail in anticipation of his arrest in C. R. No.784/2025 of the Juna Rajwada police station registered for the offence punishable under sections 336(3), 318(2), 316(4) and 304(2) of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the FIR lodged by one Vijay Shivaji Javare stating that, he is residing at Rajopadhye Nagar, Kolhapur with his mother, wife and two sons. His both sons are engineering students and he is childhood friend of the applicant. On 07/09/2025, he noticed that the applicant was going for morning walk and then he had a chat with him. The applicant disclosed him that he is serving as a peon in the District Court and also that the recruitment process for temporary post of peon was

going on in District Court and if he wanted the said employment, he should contact him. Since the informant wanted a good job, he conveyed the applicant on the next day that he was ready to work as a temporary peon in the District Court. On that, the applicant told him that, he would get monthly salary of Rs. 30,000/- with deduction of Rs. 3,000/- towards fund, but he will have to pay one months salary of Rs. 30,000/- as deposit and amount of Rs. 9,000/- towards three months fund. He also asked him to hand over the said amount to him and he would undertake further process. On the same day, i.e. 08/09/2025, the informant transferred amount of Rs. 5,000/- via phone pay to the applicant. So also, handed over cash amount of Rs. 4,000/-. Thereafter, he transferred remaining amount of Rs. 30,000/- on 27/09/2025 to him. Thereafter, the informant was frequently contacting the applicant and the applicant was telling him that the process was going on.

3. It is further alleged that, during that period, the informant also disclosed the applicant that, his two sons were having four wheeler license. Thereafter, on the next day i.e. on 13/09/2025 the applicant went to the house of the informant and disclosed him that, recruitment process for the post of driver was being conducted at the Circuit Bench, Kolhapur and his elder son Sidhivinayak can work as a driver. On the next day, the informant conveyed his willingness to the applicant. On that, the applicant told him that, amount of Rs. 5 Lakhs would have to be deposited for the post of driver, but he would not charge him his commission of Rs. 50,000/- and commission of his Saheb of Rs. 1 Lakh. Therefore, the informant obtained loan from Muthut Finance by pledging gold and paid amount of Rs. 2 Lakhs to the applicant on 14/09/2025. On

16/09/2025 he paid amount of Rs. 1,50,000/- to the applicant through his son Siddhivinayak. Thereafter, he was contacting the applicant frequently. The applicant told him that, he required money for the purpose of securing employment for his own son, so also for construction of house at Shingnapur. Hence, the informant paid him money from time to time. The informant paid applicant total amount of Rs.8,54,200/-, but the applicant did not convey him anything about the job. Thereafter, the applicant informed him that he and his son Siddhivinayak will have to join the employment on 17/12/2025, but when the informant demanded him the appointment letter, he stated that, the joining date was changed to 22/12/2025. On 17/12/2025, at about 7.30 p.m, the applicant handed him over appointment letter and asked him to attend at the Circuit Bench, Kolhapur on 22/12/2025. The informant made a phone call to him in the morning and at that time, the applicant disclosed him that he was going to Kankavali for bringing medicine for the mother of his boss and he would return at about 6.00 p.m. The informant again made a phone call to him in the evening, but he told him that he would return at 9.00 p.m and since then his phone is switched off and his house at Rajopadhya Nagar is locked. On 22/12/2025, the informant went to the Circuit Bench, Kolhapur showing the appointment letter and he was told that the letter was having seal of the District Court. Therefore, the informant went to the District Court, but he was told that, the letter was fake and the applicant was not attending duty since last six months. Accordingly, the informant lodged the report and crime came to be registered.

4. The applicant has contended that, he has not committed any offence as alleged, he is not holding any key post such as

Judicial Officer, clerk or officer having authority to appoint anybody. Furthermore, the transactions as alleged in the complaint are purely financial transactions. The applicant is the sole earning member of his family and his two daughters are school going. The offence does not provide for death penalty or life imprisonment and the investigation is mainly based on documents, therefore his custodial interrogation is not necessary. He has also contended that in case, bail is refused, he would be arrested and his reputation will be lost.

5. The State has resisted the application on the grounds that, the offence is grave and there is material showing that the applicant accepted money online. According to the State, it is necessary to investigate as to from where the applicant had procured the seal of the Court as well as fake appointment letter and custodial interrogation of the applicant is very well necessary.

6. The Ld. Advocate for the applicant vehemently submitted that, the complaint is false and the applicant is not having any criminal antecedents. He further submitted that, the transactions alleged in the complaint are of hand-loan and with a view to recover money, false complaint is lodged. He also submitted that, the applicant does not hold any position of authority and he is not the appointing authority, therefore the allegations that he accepted money for providing employment to the informant and his son are false. He further submitted that, custodial interrogation of the applicant is not necessary and the dispute is of civil nature.

7. As against this, the Ld. APP Smt. P. J. Jadhav submitted that, on the assurance of the applicant, the informant transferred

huge amount of Rs. 8,54,200/- out of which, amount of Rs. 4 Lakhs was paid via PhonePay to the applicant. She further submitted that, the applicant is not attending duty since long and he has been suspended. She also submitted that, considering the nature of the offence, custodial interrogation is necessary and investigation is in its primary stage.

8. I have given thoughtful consideration to the submissions made on behalf of the parties.

9. The offence is grave. There are allegations that, the applicant induced the informant to pay him huge amount for the purpose of securing employment for the informant as well as his son and subsequently gave fake appointment letter to the informant. Investigation is in its primary stage. Considering the nature of allegations, the custodial interrogation of the applicant would be necessary for the purpose of facilitating the investigation. The offence is cognizable and non bailable and this is not a fit case to grant anticipatory bail. Hence, I pass the following order:-

Order

1)	Application is rejected.
2)	Since the application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.

Date : 12/03/2026.

(R. V. Utpat.)
Additional Sessions Judge,
Kolhapur.

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	Mrs.S.R.Tambvekar
Name of Court	Mr. R. V. Utpat Additional Sessions Judge, Kolhapur.
Date of Dictation	12/03/2026
Order signed by the P.O. on	13/03/2026
Order uploaded on	13/03/2026