

MHKO010025032026

Cri.Bail Application No.623/2026

Order below Exh.1



Applicant Sadashiv Ganpati Potdar has filed this pre-arrest bail application under section 482 of the Bharatiya Nagarik Suraksha Sanhita. He has apprehension of arrest in Crime No.115/2026 registered under Sections 316(2), 318(4), 338, 336(3) and 340(2) read with 3(5) of the Bharatiya Nyaya Sanhita (corresponding to Sections 406, 420, 467, 463, 471 read with 34 I.P.C.) against the accused named in the F.I.R. at Police station Panhala, Dist. Kolhapur on 22-05-2026. The applicant is seeking relief of pre-arrest bail on the grounds mentioned in the application.

02. The prosecution has submitted say to the application and opposed the application.

03. Perused the application, supporting affidavit submitted by the learned advocate for the applicant, showing case details, custody and procedural compliance, status of the trial, criminal antecedents, previous bail applications and coercive processes as per directions in **Zeba Khan Vs. State of U.P. and others Criminal Appeal No.825 of 2026, arising out of SLP (Crl.) No. 12669 of 2025, decided by the Hon'ble Apex Court on 11-02-2026.**

04. Learned advocate for the applicant submitted that the applicant's name is not mentioned in the F.I.R. There are no criminal antecedents. Accused no.1 played a trick and cheated the

financial institute. The applicant had no role because when the institution employees came to his shop for verification of genuineness of the ornaments, he gave his opinion and then the employees went away. He does not know what accused no.1 or the employees did with the ornaments. He further submitted that previously the applicant had filed application for anticipatory bail and it was not pressed. This fact is not mentioned in the affidavit inadvertently. The applicant be executed for the same. He further submitted that the applicant is well known reputed businessman. If he is arrested, he will face humiliation and harassment. Thus, he prayed for relief of pre-arrest bail.

05. Learned A.P.P. submitted that custody of the applicant is required because he is a gold valuator of the institution and it is to be interrogated with him that how he verified the fake ornaments tendered by accused no.1 for getting loan.

06. It is the case of the prosecution against the accused named in the F.I.R. is that they all hatched a conspiracy and obtained loan of Rs.3,80,400/- from Uday Sahakari Sanstha Porle tarfe Thane . The information of the incident was reported to the police on 22-05-2026 and the crime came to be registered.

07. According to the prosecution, the applicant purposely gave manipulated report when the gold ornaments were referred to him for verification. In this regard if the

F.I.R. is perused, it finds that on page no.5 it is specifically stated that on 13-01-2022 accused Chandrakant Maruti Shinde Wadar came to the institution for obtaining loan by hypothecating two gold bangles. Thereafter, the employees of the institution went to the gold valuator with gold bangles for checking their purity. After checking its purity, they came back to the institution with the verification report, signature and stamp of the valuator. In the F.I.R. there is no mention that to whom the institution employees went to verify the purity of the ornaments. In remand report dated 30-05-2026 name of the applicant is appearing. His name appears to be mentioned in the remand yadi in the capacity of gold valuator of the institution. If the allegations in the F.I.R. are as it is considered against the applicant, it is certain that the applicant was not called in the institution to give valuation report. The employees of the institution went to his shop for getting purity report. After obtaining the purity report, they went back to the institution with the ornaments. There is substance in the argument of the learned advocate for the applicant that possibility of exchanging of the ornaments either by accused no.1 or the employees of the bank cannot be ruled out.

08. There is no criminal past at the discredit of the applicant. No similar nature offences are alleged to be committed by him previously. Moreover, name of him is not mentioned in the F.I.R. In such circumstances, if he is

arrested he will face humiliation and harassment. He is entitled to get bail with conditions, suitable for the further investigation. In the result, following order is passed -

Order

1. Application is allowed.
2. In the event of arrest of the applicant, he be released on bail subject to execution of personal bond of Rs.25,000/-alongwith surety in the like amount.
3. He shall appear before the in-charge of Police Station for next 10 days from 06-07-2026 onwards between 4 and 6 p.m. and shall cooperate the Investigating Officer during the interrogation and seizure of articles, if any.
4. He is directed to cooperate with the Investigation Agency and shall not threat the informant and witnesses, directly or indirectly and tamper with the prosecution evidence.
5. Applicants/accused to comply as per Chapter-I Para 12 of the Criminal Manual.

Date : 04-07-2026

(D.V.Kashyap)
Additional Sessions Judge, Kolhapur.