

ORDER BELOW EXH. 8.

This case is fix on 06.12.2025 for regular attendance of accused. However, for deciding present bail application it posted for today with the concent of A. P. P. and advocate for accused.

2. Accused no.1 has filed this second bail application for release him on bail after filing of charge-sheet. It is contention of accused that, since 20.08.2025 he is in jail. His previous application was rejected by this court. Informant lodged report after long delay against him. Allegations leveled against him are not maintainable. He having cordial relations with informant. Informant lodged report on ground of false pretext of service, appointment letter, travel tickets. However, informant has filed case U/sec. 138 against him with completely different story. Therein, informant contended that, accused on pretext of family requirement, demand money. Dispute between informant and accused is civil in nature. Investigation is completed, charge-sheet is filed. He is ready to abide every condition imposed by the court. Hence, prayed to release him on bail.

3. Ld. A. P. P. has filed his say at Exh.10 and strongly opposed. He contended that, accused has committed cognizable and non bailable offence. Merely filing charge-sheet is not a ground to release accused on bail. Accused cheated informant for Rs. 12,00,000/- lacks. Yet amount not recovered from accused. If accused released on bail, he will tamper prosecution evidence and not present before the court for trial. Accused is habitual criminal and committed similar crime at Ch. Sambhaji Nagar and Pune. Thus, prayed to reject the application.

4. Heard A. P. P. and advocate for accused. Perused application and say. It is not disputed that, since arrest accused is in jail. His previous bail application was rejected by this court on ground of incomplete investigation. Now circumstances has been changed. Charge-sheet is filed. It is case of accused that, informant lodged false report against him. Informant filed report on basis of accused cheated him on false promise of service. However, informant simultaneously filed S. C. C. No.493/2025 U/sec.138 of N. I. Act with same transaction details given in F. I. R. In this case, informant alleged that, accused received amount from him for his domestic need. However, report lodged for cheating and criminal breach of trust.

5. A. P. P. not disputed that, informant has filed S. C. C. No.493/2025 U/sec. 138 against accused after registration of this crime. On verifying the contents of F. I. R. and complaint case S. C. C. No. 493/2025 it shows that, informant gave same details of transaction dtd. 08.03.2025, 14.03.2025, 19.03.2025, 22.03.2025, 28.03.2025, 07.04.2025 & 08.04.2025. Further, informant contended that, accused for repaying said amount has issued cheque no.000003 for amount of Rs. 11,70,000/- and which has been dishonored on 14.06.2025. It shows that, some financial transaction completed between informant and accused. For the same, informant has lodged F. I. R. and filed Summary case no. 493/2025.

6. The above contents of F. I. R. and complaint case prima-facie disbelieve the version of informant. It is settled law that, for recovery of cheque amount, complainant is not permitted to file criminal case with police. In such circumstances and considering charge-sheet filed on record, this court is in opinion that, no purpose would be served by keeping accused behind bar. Further, considering conduct of informant

for conclusion of trial long period required. Therefore, keeping in mind the principal, jail is an exception and bail is rule, application deserved to be allowed. Hence, in result of above discussion this court has pass following order,

ORDER

- 1) Application stands allowed as under.
- 2) Accused no.1 is released on execution of his P. B. and S. B. of Rs.50,000/-.
- 3) Accused further directed to furnish his and one of his blood relative address details along with current phone numbers.
- 4) Accused is directed not to tamper prosecution evidence and witnesses by any means and attend every date of trial.
- 5) Further accused is directed to attend every date of proceeding without fail and communicate if any change in furnished address details and phone numbers.
- 6) Any condition breached by accused, result his bail will be canceled.

(R. P Thore)

J. O. Code - MH02897

Judicial Magistrate First Class,

Ajara.

Date :- 03.12.2025.