

Order On Bail Application In RCC No.301/2025 At Exh.16.

State Vs. Dilip & Ors.

(C.N.R.NO.MHLA060026512025)

01. This is a second bail application filed by accused No.2.

02. Perused the application and say of Ld. APP. Perused the record and the chargesheet.

03. The accused averred in the application that he has been arrested under the accusation that the complainant viz Venkat Pandhari Dahiphale resident of Ahmedpur got acquainted with accused No.3 Radheshyam in April, 2023. Radheshyam asked him if he wants a job in the department of post, if yes the complainant has to pay Rs.3,00,000/- to Radheshyam. Radheshyam will prepared degree papers and marksheet of the candidates to put the candidates in position to get the job. The complainant agreed to pay Rs.1,70,000/- for himself and for his three relatives. The complainant paid Rs.2,80,000/- through Google pay to Radheshyam. Radheshyam thereafter showed marksheet of candidates through one website. Radheshyam informed the complainant that the applicant accused would provide them the marksheet so asked to arrange the cash. On 04.09.2023 at 12.30 p.m. the applicant accused met the complainant. The applicant accused asked for the cash and the complainant asked for the documents to the applicant accused. The complainant paid Rs.4,00,000/- and one Ramdas Totre paid Rs.4,25,000/- to the applicant accused in presence of Radheshyam. The applicant accused handed over original

marksheet and degree certificate to the complainant. The complainant and others received message about their selection but on verification the forgery committed by the accused came in picture. Accordingly, the accused played fraud on the complainant and committed forgery.

04. It is further averred by the applicant accused that he is arrested on 23.06.2025. The chargesheet is filed on 09.08.2025. Earlier bail applications of the accused are rejected by this Court, Hon'ble Sessions Court and Hon'ble High Court. There is no iota evidence against the applicant accused. Prima facie case is not made out under the offences levelled against him. The prosecution has no evidence to connect the applicant accused to the crime. No separate role of the applicant accused is specified in the chargesheet. The trial will take its own time. The prosecution has listed 20 witnesses. So, there will be chances of protracted trial. The punishment provided is up to 7 years of imprisonment. The accused is in service. He is suffering from Harniya disease. Last year he is operated at Nanded. That surgery was not successful. He is suffering from the pains. The jail authority took him to the Government Hospital who suggested another surgery. He is ready to abide every condition if imposed by this Court. Hence, requested to grant bail.

05. Ld. APP contended that the offence is serious. If the accused is released on bail, there is possibility of tampering of evidence. Hence, requested to reject the application.

06. Heard both the sides.

07. Ld. Advocate for the accused argued that while in custody, the accused developed serious medical complications. The accused has undergone surgery while on interim bail, he has obeyed every condition imposed by this

Court. The surgery establishes bonafides of the accused. As per the report of Government Hospital the accused needs regular follow up treatment. The investigation is completed. Some of the accused are absconding. Hence, the trial is likely to take considerable time for conclusion. Continued incarceration of the accused for indefininite period would serve no purpose. The change in circumstances warrant fresh consideration of this application. Hence, requested to allow the application.

08. Ld. APP argued that the first bail application of the accused is rejected from this Court to Hon'ble High Court. The accused has undergone surgery and for that purpose he was granted interim bail. As per the report of Government Hospital, the conditions of jail are fit for the residence of the accused. Hence, there is no need to grant bail to the accused on medical grounds.

09. Interim bail application of the accused at Exh.17 came to be allowed, interim bail granted vide order Exh.17 came to be extended vide order below Exh.31. The application for further extension of interim bail at Exh.39 came to be rejected on 11.05.2026 for the reasons given in detail therein.

10. The first bail application of the accused is rejected on merits. Therefore, now the court shall only give consideration on aspect of change in circumstances and shall appreciate whether the change in circumstances brought on record by the accused justifies bail to the accused.

11. The change in circumstances brought on record by the accused is his medical condition. For one surgery, he was released on interim bail from 04.02.2026 to 25.03.2026. In view of reasons recorded in various orders below Exh.39, current medical condition of the accused is not such that his

incarceration will lead to deterioration of his health. No medical reports filed on record lead this Court to draw a conclusion that bail is the only option to treat the accused for the disease he is suffering from. Thus, in view of the above stated reasons and detailed reasons in order below Exh.39, dated 11.05.2026, there are no change in circumstances sufficient to grant bail to the accused. Thus, the application is liable to be rejected. Hence, I pass the following order;

ORDER

The application is rejected.

Date: 22-05-2026

(Swanandi D. Wadgaonkar)
Judicial Magistrate (F.C.),
(Court No.01), Ahmedpur.