

MHNG030012172024



R.C.C./227/2024
STATE OF MAHARASHTRA VS. MANDAR ANIRUDDHA
KOLTE AND 16

ORDER ON THIRD BAIL APPLICATION

(EXH.101)

IN

C.R. NO.440/2023 OF P. S. DHANTOLI

(U/SEC. 420, 406, 419, 467, 468, 471, 171, and 120-B of the
Indian Penal Code)

1] Accused **Suraj Dey @ Goyal** has filed this third bail application for enlarging him on bail on account of delay in conducting trial, in connection with C.R. No.440/2023, registered with Dhantoli Police Station for offences punishable U/sec.420, 406, 419, 467, 468, 471, 171, and 120-B of the Indian Penal Code. The accused was arrested on 18/10/2023 at 23.32 and was remanded to Magisterial custody thereafter.

2] The Ld. A.P.P. filed her say. Heard Learned Advocate for accused. Learned Advocate for accused submitted that the investigation in the present crime is complete. The charge-sheet and supplementary charge-sheet has also been filed by the prosecution. Therefore, the

applicant is no more required to be lodged behind the bar. From rejection of the earlier application, there has been change in circumstance. Despite multiple attempts, the charge could not be framed due to continuous absence of the other accused. The trial is paralyzed. Therefore, the present applicant deserves to be released on bail. Out of 17 accused, 8 accused have been arrested and several co-accused including Mangesh Patekar, Raju Mandal, Alpesh Patel and Dinesh Mishra were previously granted bail. Due to their absence the trial is being protracted. The applicant has been granted bail in a similar case viz. RCC No.226/2024 on 25.08.2025. Prolong incarceration in view of various judgments of the Hon'ble Apex Court affects right to life enriched under article 21 of Constitution of India. Therefore, he be released on bail. Moreover, the accused is ready and willing to abide by any terms and conditions put, while granting bail. Hence, prayed for bail.

3] Learned A.P.P. submitted that offence is non-bailable and serious in nature. The prima facie case is made out against the accused. If bail is granted accused may tamper with prosecution witnesses and may hamper the prosecution case. She further submits that, there is evidence on record which suggest that, some financial trail reaches up

to the present accused. His involvement in the present crime is clearly seen from the documents placed on record. She further submitted that if the accused is enlarged on bail he may abscond. It is further submitted the case is being proceeded with and hearing happens every 14 days. Since two accused namely Dinesh Mishra and Mangesh Patekar could not be apprehended therefore many a times warrant has been issued but the same has not been executed. Therefore, the charge could not be framed. The prosecution is taken all the efforts to secure presence of the absconding accused. Hence, prayed for rejection of bail application.

4] Perused the entire material placed on record. The allegations against the accused are that, he along with the other accused conspired to cheat the informant on the premise that, he will receive higher return on his investment made to/through them. Accordingly, the Informant was made to part with an amount of Rs.5,39,50,000/-. When the Informant realized that, the money was misappropriated by the accused, he reported to police and accordingly, the present offence was registered and investigation followed. Perusal of the entire charge-sheet would reveal that the present accused was instrumental in inducing the informant who invest his money. The record further reveals that, the Informant has named the present accused in his FIR and the

role of the present accused is that, of a prime conspirator in the present crime.

5] It is admitted position that, two of the accused persons are not attending the court and time and again processes have been issued against them. This court vide its order dated 12.02.2026 has issued warrant against accused no.2 Mangesh Patekar, which is directed to be served through Commissioner of Police, Nagpur. There are various miscellaneous applications being filed by different accused and the same have been dealt with along with securing of presence of the absconding accused. On the last occasion i.e. 13.03.2026 the warrant was re-issued against both the accused. The case is now listed on 23.03.2026 for receiving report of the warrant issued. Considering the nature of proceedings and the number of the accused involved, the delay in framing of the charges is explained with various necessary steps taken by the prosecution. The record further reveals that, time and again, on merits, Bail applications filed by the present accused have been rejected. The earlier application filed by the accused came to be rejected on 26.08.2025, during which this court has elaborately dealt with the role played by the present accused. It is a matter of record that case is regularly taken up by the court and prosecution

has been taking effective steps. Some opportunity is required to be granted to the prosecution to secure presence of the absconding accused. At this juncture, no case is made out to grant bail to the present accused on account of delay. Hence, I proceed to pass the following order; -

-: O R D E R :-

1. Application is hereby rejected.
2. Prosecution is directed to proceed with the matter on urgent basis and secure the presence of the absconding accused on the next date without fail.

Place : Nagpur.

Date : 17/03/2026

(Kaustubh Nagesh Marathe)

Judicial Magistrate, F.C. Nagpur.

Court No.1