

MHNG030012172024



R.C.C./227/2024

STATE OF MAHARASHTRA VS. MANDAR ANIRUDDHA KOLTE AND 16ORDER BELOW BAIL APPLICATION EXH.49INC.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 **Karan @ Sonu Omprakash Rajora** has filed this application for enlarging him on bail in 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 16/04/2025 at 04.46 am. and was remanded to Magisterial custody on 25/04/2025.

2] The Ld. A.P.P. filed her say. Heard Learned Advocate for accused. Learned Advocate for accused submitted that the accused is innocent and has not committed any offence. The accused is falsely implicated in this crime. It is further submitted that no prima facie case is made out against the present Accused. It is also submitted that there is no iota of evidence against the present Accused and there are no criminal antecedents of the present Accused. The prosecution has filed charge-sheet against the present accused. So also the other co-accused have already released on bail and therefore, on the basis of ground of parity the present accused deserves to be released on bail. He lastly submits that 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 submit that, there is evidence on record which suggest that, some financial trail reaches upto 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. Hence, prayed for rejection of bail application.

4] Perused the entire material placed on record. The allegations against the accused is 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, thereafter, he reported to police and accordingly, the present offence was registered and investigation followed. Supplementary charge-sheet came to be filed against the present accused. It is seen that, principal allegation against him concerns that, the prime accused lured the informant to invest some amount and remaining amount was to be invested by the present accused. The investigating officer has noted in the charge-sheet that, amount of Rs.3,75,000/- came to be credited to the present accused bank account. Admittedly, the present offence is entirely based on documentary evidence which is apparently placed on record by the prosecution. At this juncture, having necessary documentary evidence before the court does not necessitate custodial presence

of the accused in the present crime. Since the amount involved is huge, accused can be imposed with stringent conditions during his release.

5] Further, it would be apposite to refer to and rely upon the observations made by the Hon'ble Apex Court in the case of *P Chidambaram V/s. Directorate of Enforcement (Cri. Appeal No.1831/2019)* wherein it was held that the object of bail is to secure the attendance of the Accused at the trial, that the proper tests to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is in disputable that bail is not to be withheld as punishment. The Hon'ble Apex Court recently in the case of *Satender kumar Antil Vs. C.B.I. reported in AIR 2022 SC 3386* has issued directions in the matter of arrest and bail, considering the same, it is important to keep in mind that the Accused cannot be lodged behind the bars when he is ready to abide conditions of bail, which includes attendance during trial. The muddemal used in the commission of offences are already recovered. Therefore, no purpose will be served to put the accused behind the bar and curtail his liberty. In my considered opinion, it is a fit case in which, liberty is required to be bestowed upon the Accused, subject to certain conditions.

6] The apprehension raised by Ld. A.P.P. that the accused might abscond, commit further such offences and might tamper the evidence, can be safeguarded by imposing necessary conditions and by taking appropriate sureties. In such circumstances, considering bail is rule and jail is an exception, it would be just and proper to release the accused on bail. Hence, I proceed to pass the following order; -

-: O R D E R :-

1. Application is allowed.
2. Accused namely **Karan @ Sonu Omprakash Rajora** be released on bail on execution of personal Bond of Rs.75,000/- and one or more surety in the like amount, in present C.R.No.440/2023 registered with Dhantoli Police Station on following conditions;
 - a) The accused shall remain present during the trial.
 - b) The accused shall not tamper with the prosecution evidence. The accused shall not commit any such offence during out on bail.
 - c) The accused shall not leave Jurisdiction of India without prior permission of court.
 - d) The accused shall not give any threat, promise or inducement to any person acquainted with the facts of the case.
 - e) The accused shall not commit further such offences which will hamper the trial of the present offence.
 - f) The accused shall file list of 3 blood relatives along with their address proof. The Applicant should submit his recent photograph and address proof, both permanent and present.

Place : Nagpur.
Date : 08/07/2025

(Kaustubh Nagesh Marathe)
Judicial Magistrate, F.C. Nagpur.
Court No.1