

MHNG030012172024



R.C.C./227/2024

STATE OF MAHARASHTRA VS. MANDAR ANIRUDDHA KOLTE AND 16

ORDER
SECOND BAIL APPLICATION
(EXH.74)
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 second application for enlarging him on bail 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 circumstances which existed at the time of rejection of the first application are not present today. It is stated that, there is a change in circumstance as other co-accused have been released on bail therefore, the principle of parity is applicable to the present accused. 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 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 investement 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. 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 reveal 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. My predecessor has in his order dated 09.02.2024 has categorically dealt with the role played by the present accused. My predecessor was pleased to reject the bail application, highlighting the role played by the

present accused. The prima facie involvement of the accused can also be seen from the charge-sheet filed by the police. The other accused who have been released on bail, their role stands on different footing than that of the present accused. The present accused is one of the master mind of the conspiracy. While deciding the present application, the ratio laid down by the Hon'ble Apex Court in the case of ***Prahlad Singh Bhati v. Nct, Delhi And Another reported in AIR 2001 SC 1263*** has opined as follows;

8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

Admittedly, the first bail application has been rejected. Merely release of other co-accused, having different role in the present offence, cannot be the circumstance which entail release of the

present accused. Therefore, principle of parity cannot be applied to the present accused. The charge-sheet reveal reasonable grounds for believing that, the accused has played major role in the present crime. The supplementary charge-sheet has also been filed in the present crime and the case will be put up for trial in the immediate future. The circumstances as existed at the time of rejection of the first bail application are still prevailing as the first bail application was rejected after filing of the charge-sheet. The supplementary charge-sheet further strengthens the allegations levelled by the prosecution. Moreover, there is one more similar criminal case pending against the present accused which shows that, the accused is a habitual offender. Considering this no case is made out to release the accused on bail at this juncture. Hence, I proceed to pass the following order; -

:- O R D E R :-

Application is rejected.

Place : Nagpur.
Date : 26/08/2025

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