

ORDER BELOW BAIL APPLICATION DATED 30.8.2023 IN RCC NO. 731/2023
FILED BY ACCUSED NO.2 MANIK RAUT.

1] This is an application filed by accused Manik Raut for releasing him on bail under Section 437 of Cr.P.C. The Ld. APP and I.O. have opposed the bail application. The Ld. Advocate representing the informant has also opposed the bail application.

2] According to the application, the accused is in judicial custody. The investigation of the case has concluded. The accused has been falsely implicated in the present case. The informant and her daughter had executed power of attorney in favour of Mr. Vishal Manik Raut. The informant and her family was associated with the accused persons for the last five years on account of the said transaction. There was no transaction whatsoever between accused no.2 Manik Raut and informant. The accused no.2 Manik Raut has not signed any of the documents. It transpires from charge-sheet that an amount of Rs.7,28,000/- has been transferred from bank account of accused Vishal Raut in the bank account of present accused. The present accused has retired from the Army after serving for 18 years. The accused is ready and willing to abide the conditions imposed upon him. Hence, he prayed to release him on bail.

3] Learned APP and I.O. have opposed the application on similar grounds. According to them the alleged offences are serious in nature and non-bailable. The accused have cheated the informant. The accused Vishal Raut who is the son of present accused is absconding, therefore, they have opposed the bail application.

4] Perused the charge-sheet and allegations in the FIR. The present accused along with other co-accused are charge-sheeted by Chakan Police station for the offences punishable under Section 420, 465, 467, 471, 406 r/w 34 of IPC. The allegations in FIR reveals that present accused in furtherance of common intention with other co-accused persons fabricated the false documents and with fraudulent and dishonest intention cheated the informant and thereby caused wrongful loss to the informant and wrongful gain for themselves. It is alleged by prosecution that present accused along with other co-accused assured the informant to co-operate in selling of land belonged to the informant. They are alleged to have assured the informant to sale the land at higher price. The accused persons are alleged to have induced the informant to sale her land to one person namely Jailendra Kumar Roy and an amount of Rs.50 lakhs was transferred through cheque in bank account of Rolling Forward Estate Company and an amount of Rs.15 lakhs was transferred through cheque in the bank account of Mrs. Sadhana Vishal Raut and thus, they have cheated the informant by obtaining an amount of Rs.65 lakhs from her bank account fraudulently.

5] The charge-sheet in the case reveals that accused no.1 Vishal Raut

who happens to be the son of present accused Manik Raut appears to be the main master mind of the crime. It appears from the allegations that accused Vishal Raut after obtaining trust of the informant appears to have executed certain documents for the purpose of cheating and deceiving them. The main accused in the present crime appears to be accused Vishal Raut. There is no prima-facie material to demonstrate actual involvement of accused Manik Raut in deceiving the informant and in obtaining huge amount of money by way of cheating. The allegations against present accused are that an amount of Rs.7,28,000/- has been transferred in his bank account from the bank account of son Vishal Raut. Apart from this no where specific role is attributed or alleged against the present accused. The absconding accused Vishal Raut actively appears to be involved in forging and fabrication of documents relating to the case as well as appears to have played an active role in duping the informant.

6] The present accused is in judicial custody from June 2023. The charge-sheet in the present case has been filed in the month of August 2023. The trial of the case is yet to begin. One of the accused namely Komal Somnath Thombare has been enlarged on anticipatory bail by the Hon'ble High Court of Bombay. Considering the allegations against the accused, no purpose would be served by keeping the present accused behind bar for indefinite period. The accused is of local resident of Khed. It would be judicious to enlarge the accused on bail by imposing the certain conditions. Hence, order;

ORDER

- 1] The accused is released on executing personal bond of Rs.30,000/- with one solvent surety of like amount on condition that-
 - a] The accused shall furnish his residential address proof.
 - b] The accused should not tamper the prosecution witnesses and evidence.
 - c] The accused should not indulge any such type of activities in the future.
 - d] The accused shall attend the court on each of the dates fixed for trial.

Khed
Dt : 14.12.2023.

Sd/xx
(S.B.Pawar)
J.M.F.C. Court No.1, Khed-Rajgurunagar

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of Stenographer : Gilbile A.D. Steno (L.G)
Court : J.M.F.C. Khed-Rajgurunagar
Date : 14.12.2023
Order signed by the Presiding Officer on : 14.12.2023
Order uploaded on : 18.08.2023

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