

IN THE COURT OF ADDL. SESSIONS JUDGE, SOLAPUR.
(Presided over by Shri.PPRajvaidya)

CRIMINAL BAIL APPLICATION NO.173/2026.
(CNR No.MHSO-0100-0559-2026)

Vijay Gajendra Jamadar }...**APPLICANT.**

Versus

State of Maharashtra }...**OPPONENT.**

Shri.M.N.Gunde, learned advocate for the applicant.
Smt.Deshpande, learned APP for the opponent.

ORAL ORDER

(Passed on 16/03/2026)

1. This is an application for grant of anticipatory bail in Crime No.755/2025 registered at P.S.Faujdar Chawadi for offences punishable under Sections 420, 504, 506 of IPC.
2. Read the application and say. Heard learned advocate Shri. M.N.Gunde for the applicant & learned APP Smt.Deshpande for the prosecution. I have also gone through the written submission filed by the informant through learned APP. Perused the entire record.
3. Learned advocate for the applicant argued that informant has made false allegations in FIR about cheating to him by the applicant. He argued that first incident of giving amount of Rs.52,000/- by informant to applicant for investing in Equity Funds is alleged to be dated 10/10/2022 and no explanation is given by the informant as to where-from he had brought said huge amount in year 2022 for giving it to the applicant. He argued that copies of bank statement of the applicant produced on record does not show any entry about deposit of amounts therein as is alleged in FIR except the deposit entry of Rs.8000/- on 26/10/2023. He argued that said amount was transferred by informant in the account of the applicant for depositing fees. He argued that matter is of civil nature and ingredients of Section 420 of IPC are not at all attracted. He argued that

applicant has no criminal antecedents and he is ready to attend the police station as and when required by the I.O. so also, to produce necessary documents and mobile phone before the investigating officer hence, applicant may be enlarged on anticipatory bail. In support of his argument, learned advocate for the applicant has placed reliance on the following authorities.

- (i) *Mukund Balwant Athawale Vs. State of Maharashtra* reported in 2012 ALL MR (Cri) 2598,
- (ii) *Avinath Arora Vs. State of U.T. Chandigarh* reported in 2000 Cr.L.J. 4674,
- (iii) *Jay Shri Vs. State of Rajasthan* reported in (2024)13 SCC 614.

I have gone through those authorities.

4. As against this, learned APP argued that argument of learned advocate for applicant that informant was not having huge amount of Rs.52,000/- to give it to applicant cannot be accepted as informant is serving as AI Teacher and as such, having sufficient means. She argued that applicant has received amount of more than Rs.71,000/- from the informant from time to time by giving false assurances but when the informant had asked about the completion of work for which the amounts were given, applicant went on giving excuses. She argued that applicant has admitted his liability to pay amounts to the informant by sending SMS and by giving writing to that effect. She argued that custody of applicant is essential with police for recovery of the amount and for interrogation purposes due to which, applicant is not entitled for anticipatory bail.

5. Informant has submitted in his written submission that applicant has taken amount of Rs.73,000/- from him in year 2022 and did not repay it in last three years due to which, application shall not be allowed.

6. Allegations, in FIR, may be stated in brief as under;

Informant is serving as AI Teacher at Jawahar Navoday Vidyalay, Pokhrapur. Applicant and informant took education at Mangalwedhekar Institute during year 2021 to 2024 and they had developed friendly relations *interse*. Applicant had insisted the informant to invest amount in equity funds by assuring 4% profit after an year. Informant gave Rs.52,000/- to the applicant on 10/10/2022 for investing in equity funds by keeping faith on his words. Thereafter, applicant took Rs.8000/- from the informant in August-2023 for admission in YCM, Rs.8000/- in October-2023 for depositing college fees, Rs.2700/- in December-2023 for repairing the mobile handset of the informant and Rs.3200/- in Jan-2024 towards processing fees form by assuring the informant to secure job for the informant in the Axis Bank. As the informant did not get the results as assured by the applicant, he made inquiry at the applicant on which, applicant gave abuses and threats to the informant.

7. On the basis of the report lodged as above by the informant, crime No.755/2025 came to be registered against applicant for offences punishable under Sections 420, 506, 504 of IPC at PS. Faujdar Chawadi.

8. Applicant has filed notarized affidavit wherein he has stated that he does not have criminal antecedents and any coercive processes like non-bailable warrant or proclamation are not issued against him. Prosecution has not disputed the statements made in said affidavit by the applicant. Thus, applicant does not have criminal antecedents.

9. Allegations in FIR are that informant gave Rs.52,000/- to the applicant in Oct.-2022 for investing in equity funds, Rs.8,000/- Aug.2023 for securing admission for the informant for B.Com Course in YCM University, Rs.8000/- in October-2023 for paying the own college fees of the applicant, Rs.2,700/- for repairing the mobile handset of the

informant and Rs.3200/- in January-2024 for depositing process fees to secure job for the informant in the Axis Bank. Applicant has placed on record copy of his bank statement wherein, an amount of Rs.8,000/- is shown to have transferred on 26/10/2023 from the account of the informant. Perusal of investigation papers made available by learned APP *prima facie* support the argument of learned APP that applicant has admitted his liability to repay amounts to the informant. It is not the contention of the applicant that he has repaid any amount to the informant after giving said assurance in writing.

10. May that it be so, though the applicant has not returned the amounts taken by him from the informant from time to time as is alleged in the FIR, it does not appear that ingredients of Section 420 of IPC are *prima facie* attracted because, bare perusal of the allegations levelled in the FIR does not show that the applicant was carrying dishonest intention to cheat the informant since beginning. There is reason to say so because, as per the own contention of the informant, he went on giving amounts to the applicant from time to time even though, the applicant had not fulfilled his assurances. Having regards to the nature of allegations, it appears that the dispute between the applicant and the informant is of civil nature.

11. Offence registered against the applicant under Section 420 of IPC is punishable with imprisonment which may extend to seven years. Other two offences viz offence under Sections 504 and 506 of IPC are non cognizable in nature. Applicant is permanent resident of Solapur District and as is submitted by his learned advocate, applicant is ready to abide by the conditions imposed on him by the Court. Having regards to the nature of allegations, it does not appear that custody of applicant is essential with the police. So far as recovery of the Bank Statement of the applicant is concerned, investigating officer can very well call upon the applicant to

produce the same for which, custody of applicant is not necessary with the investigating officer. Since the applicant has no criminal antecedents and considering the nature of allegation, this Court is of the opinion that this is a fit case to exercise discretion for directing release of the applicant on anticipatory bail on suitable conditions. Thus, an order.

ORDER

(a) Criminal Bail Application No.173/2026 is allowed.

(b) In the event of arrest in Crime No.755/2025 registered at P.S.Faujdar Chawadi for offences punishable under Sections 420, 504, 506 of IPC, applicant Vijay Gajendra Jamadar be released on bail on his executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(c) Applicant shall not tamper with the prosecution evidence in any manner.

(d) Applicant shall make himself available for interrogation purposes as and when required by the Investigating Officer.

(e) Applicant shall attend P.S. Faujdar Chawadi, Solapur on every Sunday and Wednesday for a period of two months from today in between 11.00 am to 1.00 pm. And he shall co-operate the investigating officer in investigation of the crime.

(f) Applicant shall not directly or indirectly make any inducement, threat or promise to the informant or any person acquainted with the facts of the case so as to dissuade him from disclosing the facts of the case to the Court or to the police officers.

(g) Applicant shall submit copy of his Aadhar Card or PAN Card or Driving License to the Investigating Officer.

(h) Applicant shall not leave India without previous permission of the Court.

Date : 16/03/2026.

(PPRajvaidya)
Addl. Sessions Judge,
SOLAPUR.