

MHST010009892026



IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA

Criminal Bail Application No.212 of 2026

Sudhir Vitthal Raut

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. S. M.More, Advocate for the applicant.

Mr. N.D. Muke, A.P.P. for the State

Coram: Mr. S. R. Tamboli,

The Addl. Sessions Judge, Satara,

:: ORDER BELOW EXH.1 ::

01. In the instant application, the applicant has prayed for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

02. In short, the case of the prosecution is that Sharmila Khandare, the informant, resides along with her husband Vijaykumar. One Dr. Sharad Kumbhar met the informant and her husband and assured them that he would facilitate the transfer of a wine shop licence from Rupesh Wanjari and Sudhir Raut. Sharad, Rupesh, and Sudhir held a meeting at the informant's house and

demanded an amount of Rs.1,75,00,000/- for the transfer of the wine shop licence. The informant transferred an amount of Rs.93,36,500/- to the bank account of Sudhir Raut. Accordingly, she paid a total amount of Rs.1,26,67,500/- to the accused. However, the accused did not transfer the wine shop licence in her favour. Hence, she lodged the FIR.

03. In the backdrop of these facts, Mr. S. M. More, learned counsel for the applicant, submitted that there is no prima facie case against the applicant. The principle of *pari delicto* is applicable to the present case. As per the contents of the FIR, the informant transferred the amount for an unlawful purpose. Therefore, the informant is equally involved in the unlawful act and cannot claim that the applicant committed the offence of cheating. The informant has already filed 15 cases under Section 138 of the Negotiable Instruments Act for dishonour of cheques. The applicant has already paid an amount of Rs.48,00,000/-. This shows that the transaction was bona fide. The informant has a civil remedy and has portrayed a civil dispute as a criminal case. The offence is not punishable with imprisonment exceeding seven years. Co-accused Sharad Dattatray Kumbhar has already been released on bail. Therefore, the principle of parity is applicable to the case of the applicant. The applicant has a permanent residence and is ready to abide by all conditions that may be imposed by the Court. He has no criminal antecedents. Hence, he prayed that the applicant be released on bail.

04. Per contra, Mr. N. D. Muke, learned A.P.P. for the State, submitted that the offence is serious in nature. There is a prima facie case against the applicant. The applicant may tamper with the

evidence, influence the witnesses, or abscond. Hence, he prayed for rejection of the application.

05. The affidavit filed along with the application, as per the directions issued in the case of *Zeba Khan vs. State of U.P. & Others, Criminal Appeal No. 825 of 2026*, shows that the applicant had earlier filed an application for bail before the learned Magistrate, which came to be dismissed. However, the applicant had also filed Criminal Bail Application No. 241 of 2025, which was dismissed on merits on 29.05.2025. The applicant suppressed this fact from the Court. It appears that the applicant deliberately concealed the said fact. The earlier bail application of the applicant was dismissed on merits. It further appears that the charge-sheet was filed on 04.07.2025 and the same has been produced on record. There is no change in circumstances since the decision in the earlier bail application.

06. Learned counsel for the applicant placed reliance on the decision of the Hon'ble Patna High Court in *Ashok Singh vs. State of Bihar, AIR ONLINE 2025 PAT 349*, wherein the Hon'ble Patna High Court quashed the proceedings against the accused by applying the principle of *pari delicto*. Relying upon the said decision, learned counsel for the applicant contended that the said principle is equally applicable to the present case.

07. However, in *Mohd. Salimuddin vs. Misri Lal and Others, MANU/SC/0541/1986*, the Hon'ble Supreme Court observed that the doctrine of *pari delicto* is not designed to reward the wrongdoer or to penalize the wronged by denying the victim of exploitation

access to justice. The doctrine is attracted only when none of the parties is a victim of exploitation and both parties have voluntarily and of their own free will joined hands to flout the law for their mutual benefit. In the present case, the applicant is not the victim of the transaction. Prima facie, he induced the informant and her husband to part with their money. Hence, the principle of pari delicto is not applicable to the case of the applicant.

08. As stated earlier, there is no change in circumstances. Even after the filing of the charge-sheet, the circumstances have remained unchanged. The offence is serious in nature. This Court has already observed in Criminal Bail Application No. 241 of 2025 that the principle of parity is not applicable to the case of the applicant. Therefore, no case is made out for grant of bail to the applicant. Hence, I pass the following order:

ORDER

The application is dismissed.

Date- 02/06/2026

(S.R.Tamboli)
Addl. Sessions Judge, Satara