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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**BAIL APPLICATION NO.1738 OF 2022**

**KRUSHNA RAMDAS JAIBAHAR  
VERSUS  
THE STATE OF MAHARASHTRA**

Mr. Rohit P. Patwardhan, Advocate holding for Mr. S. S. Jadhav,  
Advocate for applicant;  
Mr. K. S. Patil, A.P.P. for respondent

**WITH BAIL APPLICATION NO.1674 OF 2022**

**KUSHAB S/O. RAMRAO SONAWANE  
VERSUS  
THE STATE OF MAHARASHTRA**

Mr. Joydeep Chaterji, Advocate holding for Mr. Pratik A. Bhosale,  
Advocate for applicant;  
Mr. K. S. Patil, A.P.P. for respondent

**WITH BAIL APPLICATION NO.1701 OF 2022**

**MAYURESH PURSHOTTAM VAISHNAV AND ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA**

Mr. Joydeep Chaterji, Advocate holding for Mr. C. C. Deshpande,  
Advocate for applicants;  
Mr. K. S. Patil, A.P.P. for respondent

**CORAM : S. G. MEHARE, J.**

**DATE : 11<sup>th</sup> October, 2022**

**P.C.**

1. Issue notice to the respondent in B.A. No.1738 of 2022,  
returnable forthwith. The learned A.P.P. waives service of notice for  
respondent/State

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2. Heard the learned counsel for the applicants and the learned A.P.P for the State.

3. The applicants have been arraigned as accused in the present crime alleging that the main co-accused have transferred the money to their bank accounts by misusing the U.P.I. The main accused were well aware that they had no balance in their bank accounts. However, taking disadvantage of the system, they have played a fraud with the bank worth Rs.74 Lakh and odd.

4. The applicants have a specific case that they had advanced hand loan to accused Prafulla Manikrao Kamble for construction of house. Therefore, he returned their money by way of electronic transfer. When they learnt about the excess payment and something wrong had been done by Prafulla Manikrao Kamble. They have partly returned the amount to him and deposited the part amount with the Bank of Maharashtra. The applicants were unaware of the fraud played by Prafulla Manikrao Kamble and another. They were totally unaware of the bank account operated by Prafulla Manikrao Kamble and his friend. Since they have deposited the money with the bank, whatsoever transferred to their accounts by Prafulla Manikrao Kamble. Nothing is to be recovered from them.

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5. The learned counsel for the applicants would argue that the Investigating Officer has filed a specific say before the learned Sessions Judge, that the applicants have deposited the money with the bank and no dues lying with them. The applicants have been unnecessarily detained in the jail. They have no antecedents to their discredit. Hence, the applicants may be released on bail.

6. The learned A.P.P. conceding the deposit of the money by the applicants with the bank. However, he opposed the application contending that the applicants were in conspiracy with the main accused. All the accused, in conspiracy, put the bank at great loss. The offence is serious. Hence, they may not be granted bail.

7. Perused the papers produced by the learned A.P.P. and the say of the Investigating Officer. It appears that the applicants had received the money from the co-accused in their bank accounts. However, when they learnt that the excess amount has been transferred to their accounts, they have immediately deposited the amount with the bank and some amount was paid to the main accused. It seems that the applicants were unaware of the banking transactions done by the main accused. The substantial amount has been deposited by the applicants with the bank.

(4)

8. Considering the allegations levelled against the applicants and their *bona fide* in depositing the money with the bank along with the progress in the investigation, the Court is of the view that their detention in the jail would not be fruitful. They deserve to be released on bail. Hence, the following order:-

- i) All applications are allowed.
- ii) The applicant Krushna Ramdas Jaibahar in BA/1738/2022, applicant Kushab s/o Ramrao Sonawane in BA/1674/2022, and applicants No. (1) Mayuresh s/o Purshottam Vaishnav and (2) Ganesh s/o Ravan Dahekar in BA/1701/2022, be released on bail on executing P.B. and S.B. of Rs.25,000/- each, with one solvent surety of the like amount, in C.R. No.43 of 2017, registered with Dharangaon Police Station, District Jalgaon, for the offence punishable under Sections 420, 120B, 201 read with Section 34 of the Indian Penal Code and Sections 66C and 66 of the Information Technology Act, 2000, on the condition to attend the police station as and when called by the police on written notice.

(S. G. MEHARE, J.)

amj