

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

Criminal Application No.521 of 2015

Ravindra Sudhakar Nehate.

.. Applicant.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. Bhausahab S. Deshmukh, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for
respondents.

CORAM: T.V. NALAWADE, J.

DATE : 16th FEBRUARY 2015

ORDER:

1) The application is filed for the relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by one Chetan Choudhari. One Vasant Patil, Superintendent of Tribal Residential School at Yawal was known to him. The complainant was in need of job. Then Vasant Patil informed that the present applicant can seek job for him. Then the complainant approached the present

applicant. Mobile number of the complainant was given to the present applicant. The applicant promised the complainant of seeking job at Tribal Ashram School at Ganor, Tahsil Shahada, District Nandurbar and informed that the complainant needs to pay Rs.13.5 lakh for the same. An amount of Rs.50,000/- was given as advance at the residential place of the complainant in the presence of the father by the complainant to the applicant. According to the complainant, on 23-2-2014 present applicant contacted the complainant on phone and informed that appointment order was issued and the complainant should come to him with remaining amount of Rs. 13 lakh.

3) According to complainant he and his father went to the address given by the present applicant on 24-2-2014 and he handed over the amount to the applicant which was of Rs.13.00 lakh. This amount was given in the house of one Sudarshan Pradip Shinde from Nashik. The present applicant handed over this amount to the applicant and the applicant gave this amount to said Sudarshan Shinde. Then Sudarshan Shinde handed over

one appointment order purportedly issued by the office of the Commissioner, Tribal Development of the State Government. It was told to the complainant that, further order was to be issued by Project Office, Nandurbar. Then the complainant contacted the present applicant to make enquiry about the order which was to be issued by Nandurbar office. On 10-3-2014 the applicant informed that appointment order was ready in the office of Nandurbar and asked the complainant to go there. The complainant went to Nandurbar and there one Salunke handed over the order to the complainant to the effect he was appointed in Ashram School at Ganor. After that when complainant made enquiry as to when he can resume the duties, the applicant gave evasive answers. He met Sudarshan Shinde also. Sudarshan Shinde avoided to give any answer. Afterwards Sudarshan Shinde admitted that it was a bogus order and he would return the amount within few days. As the amount was not given, the complainant approached police and gave report. Crime is register at CR No.5/2015 at Yawal Police Station, District Jalgaon for offences punishable under sections 420, 467, 468, 471, 34 of the Indian Penal Code.

4) Learned counsel for the applicant submitted that in the past one more crime was registered at CR No.1/2015 in Zilla Peth Police Station Jalgaon on the basis of report given by one Kailas Nanote. In the said crime the applicant was arrested and he was released on bail by the Chief Judicial Magistrate, Jalgaon. He submitted that in view of this circumstance, another crime cannot be registered and he cannot be arrested again. He submitted that in the order made by the learned Chief Judicial Magistrate, it is observed that Sudarshan Shinde is the main accused. Leaned counsel submitted that the learned Chief Judicial Magistrate has observed that nothing is recovered from the present applicant so he is entitled for bail.

5) When such incidents take place every person will be entitled to approach police and separate crime can be registered for separate incidents. The provisions of the Code of Criminal Procedure like sections 219 to 223 of are the enabling provisions and they do not prevent police from registering different crimes on the basis of reports given by different persons regarding cognizable offences.

In view of this position of law it cannot be said that present applicant cannot be arrested in the crime which is now registered on the basis of report given by different person. The submission made by the learned counsel is not acceptable at least at this stage. Such persons form racket and they together deceive persons and they get distributed the amount among themselves. Absence of recovery of stolen property from him in other crime is definitely a circumstance against the present applicant and in such cases the Court are expected to impose conditions about recovery of stolen property. Thus, the observations made by the Chief Judicial Magistrate are not acceptable in law. This Court holds that custodial interrogation of the present applicant in the present case is necessary. More such incidents can be detected during custodial interrogation. Further the stolen property also needs to be recovered. In the result, the application is rejected.

Sd/-
(T.V. NALAWADE, J.)

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