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IN THE HIGH COURT OF JUDICATURE OF BOMBAY BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.867 OF 2015

1. Ravi @ Ravindra s/o Motiram Rathod APPLICANTS
Age-28 years, Occ-Labour
R/o Wadner, Taluka – Kannad,
District – Aurangabad

2. Krishna s/o Bhivlal Rathod,
Age- 29 years, Occ-Labour
R/o As above

VERSUS

The State of Maharashtra RESPONDENT

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Mr. S. K. Shirse, Advocate for the applicants
Mr. M. M. Nerlikar, APP for respondent State

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WITH
CRIMINAL APPLICATION NO.891 OF 2015

Prakash s/o Narayan Rathod APPLICANT
Age- 30years, Occ-Labour
R/o Kolwadi, Taluka – Kannad,
District – Aurangabad

VERSUS

The State of Maharashtra RESPONDENT

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Mr. Rupesh Jaiswal h/f Mr. N. S. Ghanekar, Advocate for applicant
Mr. M. M. Nerlikar, APP for respondent State

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[CORAM : T.V.NALAWADE, J.]

DATE: 2nd MARCH, 2015

ORDER:

1. Both these applications are filed for the relief of bail. Both the sides are heard. This Court has perused the papers of investigation.

2. The crime is registered on the basis of a report given by Vishal Rathod, who knew the applicants-accused. It is his case that applicant Ravindra Rathod represented to him that he knew one Sandip Kamble from Mumbai who was working in Income Tax Department at Mumbai. According to the complainant, Ravindra Rathod represented that Sandip Kamble was in a position to give appointment to the applicant on the post of T. C. in Railway, but it was necessary for the complainant to give Rs. 8 lac. Allegations are made that on 20th August, 2013, Ravindra Rathod, Krishna Rathod and Sandip Kamble visited his house and promised to give him appointment as T. C. in Railway and demanded an advance amount. Allegations are made that an amount of Rs.50,000/- was given by way of advance on 20th August, 2013. Allegations are made that subsequently on 12th September, 2013 and other dates, more amount was collected by making representation and under various pretexts. Some

amount was deposited in the bank account of Sandip Kamble, which was opened in State Bank of India, Kannad Branch. Even order of appointment was given, which was a bogus one. When the complainant realized, he started making inquiry and then Sandip Kamble gave one cheque of Rs. 1,55,000/-, which was bounced. The crime is registered for the offence punishable u/s 420, 468, 469, 470, 471 r/w 34 of the Indian Penal Code.

3. Learned advocates for the applicants submitted that the applicants are residents of village of the complainant and the complainant is a computer Engineer and the allegations made do not show that it is probable that he was deceived by the applicants. They submit that the applicants are behind bars since 3rd February, 2015.

4. The submissions show that no other crime of similar nature is registered against the applicants. It appears that Sandip Kamble is still absconding.

5. It is not certain as to when the charge sheet will be filed and it is also not certain as to how much time will be required for disposal of the case, and since there is no possibility that the applicants may abscond, this Court holds that it is not desirable to keep the applicants behind bars.

6. In the result, both the applications are allowed subject to condition that each of the applicant deposits an amount of Rs.50,000/- in the court of Judicial Magistrate First Class, Kannad, which is to be accepted as property of the case. The applicants are to be released on bail on their furnishing PR and SB of Rs.30,000/- each with one solvent surely of like amount. The applicants not to tamper with the prosecution witnesses. They are not to commit similar offence. They are not to leave Aurangabad district without prior permission of Sessions Court, Aurangabad till disposal of the appeal.

[T.V.NALAWADE, J.]

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