

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 2782 OF 2015****Bhausahab Nana Gite****... Applicant**

Age 50 years, Occ: Secretary,
Kotuleshwar Shikshan Prasarak Mandal
Kutul Tq. Akole, Dist. Ahmednagar

Versus**The State of Maharashtra****... Respondent**

Through Police Station officer
Akole Police Station, Akole
Taluka Akole, District: Ahmednagar

Mr. Kiran M. Nagarkar , Advocate for the applicant
Mr. U. S. Mote, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.**DATE : 12th June, 2015****PER COURT :**

1. This is an application for anticipatory bail since the applicant is apprehending arrest in connection with Crime No. I-49/2015, registered with Police Station Akole, Taluka Akole, District Ahmednagar for the offences punishable under sections 420 read with section 34 of the Indian Penal Code.

2. I have heard Mr. Kiran Nagarkar, learned counsel for the applicant and Mr. U. S. Mote learned Additional Public prosecutor for the State.

3. The first information report is lodged by one Vilas on 29.04.2015. According to the first informant, he read one advertisement in Daily Lokmat dated 19.05.2012. By the said advertisement, Kotuleshwar Shikshan Prasarak Mandal, Kutul invited applications for the post of Headmaster. Since the first informant was interested in service, he applied for the said post. According to the first information report, thereafter the first informant was called at Kutul by the present applicant. At Kutul, the present applicant and others were present. The allegations in the first information report shows that the post was offered to the first informant, however, according to the first informant, the accused persons demanded Rs.7,50,000/- by way of hand loan. Accordingly, the applicant has given Rs.5,50,000/- in cash. Thereafter he was given appointment as Headmaster at Phopsandi. FIR further shows that thereafter, first informant has given Rs.5,50,000/- in cash. According to the first information report, as per the order passed by the Court, the first informant was given order of permanency. According to the first information report, thereafter the applicant has given two cheques, cheque of Rs.25,000/- each and one cheque of Rs.6,00,000/- drawn on Ahmednagar District Central Cooperative Bank, Ahmednagar. However, those cheques are not honoured and therefore the he has set the criminal law into motion.

4. Firstly, amount was not taken by the applicant on the pretext that on getting that amount, appointment order will be given to the first informant. Secondly, cheques were given to the first informant, that substantiates the allegations that amount was taken by way of hand loan. However, if those cheques are not honoured, remedy of the first informant lies elsewhere and surely he cannot adopt arm twisting process. Hence, the applicant has made out prima facie case in his favour for grant of anticipatory bail. Hence I pass following order:

ORDER

- i. Applicant Bhausahab Nana Gite shall be released on anticipatory bail in the event of his arrest in connection with Crime No. I-49/2015, registered with Police Station Akole, Taluka Akole, District Ahmednagar for the offences punishable under sections 420 read with section 34 of the Indian Penal Code on he executing P.R. Bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with one solvent surety in the like amount.
- ii. Application is disposed of.

(V. M. DESHPANDE, J.)

JPC