

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

CRIMINAL APPLICATION NO. 3591 OF 2015

Pandurang s/o Namdeo Rankham & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. M.P.Tripathi, Advocate for Applicants.

Mr. D.V.Tele, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 20th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 131/2015 registered with Nava Mondha police station, Parbhani, District Parbhani for the offences punishable u/s 406,420 read with 34 of the Indian Penal Code.

2. Heard Mr. M.P.Tripathi, learned counsel for the applicants and Mr. D.V.Tele, learned A.P.P. for respondent – State.

3. F.I.R. is lodged on 21/06/2015 by the first informant Rajesh Jija Rathod, who is also son of Police

Inspector against the present applicants. Applicant No. 1 is Police Naik, whose son runs educational institution viz. Brahmeshwar Junior College. According to F.I.R., in the month of February, 2014 applicant No. 1 asked the first informant as to whether the first informant is intending to have service. On getting the positive response, applicant No. 2 introduced to applicant No. 1, who demanded Rs.4,00,000/- for issuance of the appointment order. According to F.I.R., amount was paid in presence of Sachin Govindrao Bende and Swapnil Rathod. F.I.R. further proceeds that he received appointment order, however not in Govt. institution. In spite of working for three months, he could not get salary from the Govt.

Aforesaid sequence of the events clearly shows that there is delay of one year in lodging F.I.R. Applicant has pointed out that the appointment order was given in favour of the applicant on 05/08/2014 and in pursuance of the same, he has attended the college and discharged the duties for three months and on his own, left the job. If the first informant is having any dispute in respect of his service, remedies are open to him for prosecuting his legitimate right. However, it does not lie in the mouth of the first informant that no appointment order was given. Further, it is crystal clear from the F.I.R. that it has been stated that appointment will be given in the college run by the Sanstha. In that view of the matter, *prima facie*, custody of the present applicants is not warranted for further investigation into the crime. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 131/2015 registered with Nava Mondha police station, Parbhani, District Parbhani for the offences punishable u/s 406,420 read with 34 of the Indian Penal Code, applicant No. 1 Pandurang s/o Namdeo Rankham and applicant No. 2 Narayan s/o Ramchandra Rathod be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.
- (iii) Applicant No. 1 Pandurang s/o Namdeo Rankham and applicant No. 2 Narayan s/o Ramchandra Rathod shall attend Nava Mondha police station, Parbhani once in a week preferably on every Sunday between 3.00 – 5.00 p.m. till the charge sheet is filed.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]