

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 6038 OF 2015

PRAVEEN VYANKATRERAO DANGE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Vikrant S. Palsikar.
APP for Respondent : Mr. S. M. Ganachari.

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CORAM : **INDIRA K. JAIN, J.**

DATE : 27th November, 2015.

ORAL ORDER:

. Applicant is involved in Crime No.0377 of 2015 registered at City Chowk Police Station, District Aurangabad for the offences punishable under Sections 406 and 420 Indian Penal Code and Section 138 of the Negotiable Instruments Act.

2 Heard learned counsel for the parties. Perused case papers.

3 It is the case of prosecution that on 9th September, 2015 Subhash Keshavrao Sonavane lodged report with police station alleging therein that Applicant under the pretext of securing job for son of Complainant in the Government Cancer Hospital obtained Rs.2.25 Lacs from him and did not secure the job for his son. When

Complainant asked the Applicant to return the amount he issued two cheques of two different banks. Both the cheques were dishonoured. Complainant then realized that he was cheated by Applicant and accordingly reported the incident to Police Station.

4 It is contended by Applicant that Complainant is relative of one Prasanna Nikam who is colleague of Applicant. There is a dispute between Prasanna Nikam and Applicant and at the instance of Prasanna Nikam he has been falsely implicated. Learned counsel for Applicant submits that FIR is afterthought and no such incident as narrated in FIR has ever occurred.

5 Mr. S. M. Ganachari, learned APP submitted that statements of eye witnesses have been recorded during investigation. Those statements would show that Complainant had parted with amount and it was received by Applicant. Learned APP submits that Applicant is *prima-facie* involved in a serious crime and application for pre-arrest bail be rejected.

6 On perusal of FIR, statements of Dnyaneshwar Gaikwad, Prasanna Nikam recorded on 10th October, 2015 it is apparent that *prima-facie* Applicant is involved in the commission of crime. He obtained Rs.2.25 Lacs from Complainant on the pretext of securing job

for son of Complainant. When Complainant asked Applicant to return the amount, he issued two cheques which came to be bounced. In this premise custodial interrogation of Applicant would be necessary.

7 Considering the *modus operandi* of Applicant stated in FIR and statements of witnesses this Court is not inclined to exercise judicial discretion. Hence the following order –

ORDER

Criminal Application No.6038 of 2015 stands rejected.

[INDIRA K. JAIN, J.]

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