

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.398 OF 2015

Anil Vitthal Chinta

..Applicant

*-Versus-*

The State of Maharashtra

..Respondent

Ms.Misbaah Solkar for applicant

Ms.Veena Shinde, APP for State.

Mr.Vijay Yadav, API, Solapur Taluka Police Station present.

CORAM : MRS.MRIDULA BHATKAR, J.  
DATE : 7<sup>th</sup> April 2015.

P.C.

1] The applicant has preferred this application for pre-arrest bail. It is the case of the prosecution that the complainant was contacted by accused and were informed that the accused had plenty of lose Government currency notes of 50 and 100 denomination and they would exchange the same for G.C.Notes of 500 and 1000 denomination and would in addition give Rs.20,000/- per lack of rupees. The complainant showed readiness to exchange the notes and the complainant was thus directed to contact the accused persons at one house No.212 opposite Ganesh Mandir at Solapur. At that time the G.C. notes of 500 and 1000 denomination

worth Rs.2 lakhs were handed over to the accused. At that time some persons stated to be police constables also helped the accused to facilitate in the crime and they all went away and, thereafter, the complainant realised that he was cheated for Rs.2 lakhs. Hence, the complaint was filed with Solapur Police Station under C.R.No.224 of 2014 for the offences punishable under sections 170, 171, 416 and 420 read with 34 IPC.

2] Learned Counsel for the applicant submitted that the applicant has not played active role in the offence. He has only entered into the lease deed in respect of the house where the transaction has taken place at Solapur. She submitted that the applicant has no connection with the other accused and he has not committed any offence, much less, offence of cheating.

3] Learned Counsel further submitted that the applicant has been attending police station since last four months and, therefore, custodial interrogation is not required.

4] Learned Prosecutor opposed this application. She produced a

statement of the witnesses and she submitted that there are criminal antecedents against the applicants. He is also involved in the offence of murder. The learned Prosecutor on the instructions given by the I.O. has further submitted that the applicant did not cooperate with the police and did not attend police station when on interim bail. It is also submitted that his custodial interrogation is required.

5] Perused the statements of the witnesses, the F.I.R. wherein the role of the applicant is specifically mentioned.

6] The manner in which the offence is committed and also considering the nature of offence, it is necessary for the police to have custodial interrogation of the applicant to find out the exact association of the applicant with the other accused. The applicant accused is prosecuted for the offence conspiracy. His role is not only limited to entering in to the agreement but he is actively participated and had knowledge in the commission of the offence. Hence, the application is rejected.

( Mrs.Mridula Bhatkar, J.)