

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICANT (ABA) NO.437/2015**

**(Shri Surendra Kumar Yadav s/o Ram Sewak Yadav ..vs.. State of Maharashtra,
through PSO Desaiganj, Tq. Wadsa, Dist. Gadchiroli)**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M. Anilkumar, Advocate for applicant.

Mr. P. V. Bhoyar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 10, 2015.

This is an application for grant of anticipatory bail. The applicant is apprehending his arrest in connection with Crime No. 1/2015 registered with Police Station Desaiganj, Dist. Gadchiroli, for an offence punishable under Sections 380, 491, 420, 465, 467, 468, 471, read with Section 34 of the IPC.

According to the prosecution case, cheques were found to be stolen from the office of the C.R.P.F., Gadchiroli in 191 Bn, having its Headquarters at Desaiganj. Ultimately, the said cheques were misused.

In the reply, it has been stated that the complainant found that somebody has committed theft. No accusations were made in the FIR against the present applicant. According to the prosecution, during the course of investigation, it was noticed that the present applicant was accompanied by one Pawan Kumar, who is the main accused. The stolen cheques were deposited in the account of said Pawan Kuamr. The learned A.P.P. invited my

attention to the statement of one Dinesh, who was Assistant Bank Manager. His statement reveals that the photographs of the present applicant was shown to him and he has stated that the person in the photograph was accompanied with the said Pawan Kumar, who requested to open the account. However, since necessary requirements were not fulfilled, the account was not opened. Further, the learned A.P.P. has invited my attention to the statement of one Jagdish, who is a LIC agent and also helps the needy persons for obtaining PAN cards. To these witnesses also, photographs of the present applicant were shown and he has admitted that the person in the photograph was accompanied with Pawan Kumar, who was requiring the PAN Card. The learned A.P.P. also pointed out that there are CDR to show the telephonic talk between Pawan Kumar and the present applicant.

Looking to the nature of statement of the aforesaid two prosecution witnesses, there is nothing incriminating against the present applicant. Only because he was accompanied with one Pawan Kuamr, who, according to the prosecution, is main accused that by itself is not sufficient to reach to the prima facie conclusion that there was any conspiracy between them. About the CDR report, in my view, they are also not helpful since there is no transcript of the talks in between these two.

Further, this Court, on 26.08.2015 granted ad interim anticipatory bail to the applicant. Till today, there is nothing on record filed by the prosecution that the present

applicant has misused the liberty granted to him. The applicant is working in C.R.P.F. at Bhopal and there is no possibility that he will not be available to the course of justice.

That leads me to pass the following order.

ORDER

- (i) Criminal Application No.437/2015 is allowed.
- (ii) The applicant-Surendra Kumar Yadav, in the event of arrest in connection with Crime No.1/2015 registered with Police Station, Desaiganj, Dist. Gadchiroli for an offence punishable under Sections 380, 491, 420, 465, 467, 468, 471, read with Section 34 of the IPC be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station, Desaiganj on 27.09.2015 and on the said day, the applicant shall remain with the Investigating Officer from 11.00 a.m. to 5.00 p.m. for the purpose of interrogation. Thereafter, if the Investigating Officer is of the view that the presence of the applicant is necessary then it shall be open for the Investigating Officer to call the applicant, however, the Investigating Officer shall give a clear 72 hours written communication to the present applicant.

JUDGE