

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 452 of 2015
[Ravindra Vishnupant Bhalerao Vs. State of Mah.]

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

Court's or Judge's orders

Mr. R.M. Patwardhan, Adv., for the Applicant.
Mr. A.K. Bangadkar, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 15th September, 2015.

By the present application, the applicant is seeking the relief of pre-arrest bail, since the applicant is apprehending his arrest in connection with Crime No. 219/15 registered with Police Station, Bhandara, for the offence under Section 420, read with Section 34 of Indian Penal Code.

The applicant is a retired Music Teacher. The First Information Report is lodged of Zitesh Mangoji Wairagade. According to the First Information Report, the present applicant gave a telephone call to Dr. Shrikant Vairagade who is the close relative of the first informant, that if a candidate is interested to have the order of appointment as a Shikshan Sevak, the same can be given and for that such candidate has to pay Rs. 15,00,000-00 towards construction fund of the school.

Accordingly, as per the First Information Report, the first informant gave Rs. 15,00,000/- in presence of Shrikant Wairagade to the present applicant. The First Information Report further recites that the order of appointment was also given in the name of wife of the first informant. However, she was not allowed to join duties by the Headmistress of the school. It is not the case of the prosecution that the appointment order given by the applicant is bogus one. Further, after the wife of the first informant was not allowed to join the duty, even as per the First Information Report, Rs. 4,00,000/- were returned to the first informant and a cheque of the remaining amount was also given. However, the said cheque was not honoured by the bankers.

In so far as return of the negotiable instrument for insufficient funds is concerned, the first informant is having his own legal remedies. It is worth noting that the complaint is lodged only after return of the cheque by the bankers.

In view of such situation, and especially when it is not the case of the prosecution that the appointment order, which was given in favour of wife of the first informant, was bogus one, in my view, the applicant has carved a case in his favour for grant of anticipatory bail. Hence the following order:-

ORDER

- [a]** Criminal Application [ABA] No. 452 of 2015 is allowed.
- [b]** In the event of arrest of the applicant in connection with Crime No. 219 of 2015 registered with Police Station, Bhandara, for offence under Section 420 read with Section 34 of Indian Penal Code, the Applicant - Ravindra Vishnupant Bhalerao be released on bail on he executing a Personal Bond of Rs. 25,000/- [rupees twenty-five thousand only] with one solvent surety in the like amount.
- [c]** That, the Applicant shall attend the Police Station, Bhandara, once a week, preferably on every Saturday between 2.00 pm., and 5.00 p.m., till the charge-sheet is filed.

Application is allowed and disposed of.

Judge

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