

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

CRIMINAL APPLICATION NO. 474 OF 2016

Ravindra s/o Gangadhar Damle ...Applicant

versus

The State of Maharashtra ...Respondent

.....
Mr. N. R. Thorat, Advocate for applicant
Mr. S. M. Ganachari, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 1st FEBRUARY, 2016

ORAL ORDER :

The applicant, a public servant, a Class-III employee in Indian Railways posted at Mumbai, is seeking pre-arrest bail in Crime No. 47 of 2014 registered with Yawal Police Station, Tq. Bhusawal, Dist. Jalgaon for the offence punishable under Section 406, 420 read with Section 34 of Indian Penal Code, for the alleged incident dated 09/03/2013.

2. The prosecution case against the present applicant is that the applicant, alongwith his other co-employees/officers have duped various un-employed youth by promising them employment in Railway after accepting illegal gratification from them.

3. While trying to make out case for grant of bail, learned Counsel for the applicant made two fold submissions (a) that the present applicant, who is a public servant is always available for interrogation and as such, looking to the nature of the allegations in the F. I. R., his custodial interrogation is not necessary and (b) the incident in question of payment of gratification is alleged to have taken place on 09/03/2013, however, on 09/03/2013, the applicant herein was very much present on duty and has sought to rely upon the attendance sheet.

4. Learned A. P. P. would urge that, the applicant in calculated manner has committed crime in question alongwith the co-accused who are officials wsith whom the applicant is working. According to him, the applicant's custodial interrogation is necessary so as to find out the involvement of each of the accused in the crime in question. He would then urge that, there are other persons who are named in F. I. R., from whom in similar manner, the applicant by playing of fraud i.e. by giving false promise of employment in Indian Railways, has accepted huge amount.

5. Perused the contents of F. I. R. and investigation papers.

6. It is required to be noted that, taking dis-advantage of his

status as an employee in the Indian Railway, the applicant herein, with other two co-accused persons have cheated the aspired un-employed youth by promising to provide employment in Indian Railways by demanding and accepting substantial amount. The payment of cheque by the father of the applicant drawn at Punjab National Bank is one of such payment as illegal gratification, with false promise of providing employment.

7. The case of the applicant, as is narrated here in above, appears to be large scale fraud on various un-employed youth, whose names are mentioned in the F. I. R.

8. In the above referred background, in my opinion, custodial interrogation of the applicant is required as record depicts his *prima facie* involvement. As such, the application fails, same stands rejected.

[N.W. SAMBRE, J.]