

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1288 OF 2016

Ashok S/o Anaji Wakchaure,
Age 46 years, Occu. Leather work
R/o. Jorve, Tq. Sangamner,
District Ahmednagar

.. Applicant

Vs.

1] The State of Maharashtra
Through Police Inspector,
Sangamner City Police Station,
Tq. Sangamner, District Ahmednagar

2] Ashok S/o Shivaji Mhaske,
Age : 50 years, Occu.: Business,
R/o Vakil Colony, Sangamner,
Tq. Sangamner, Dist. Ahmednagar

.. Respondents

Mr. V.D. Hon, Sr. Advocate i/b Mr. Ashwin V. Hon, Advocate
for the applicant

Mr. U.S. Mote, A.P.P. for the respondent-State

Mr. R.N. Dhorde, Sr. Advocate i/b Mr. V.R. Dhorde, Advocate
for respondent no.2

CORAM : M.T. JOSHI, J.

DATE : 15/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending
arrest at the hands of Sangamner City Police Station,
Dist. Ahmednagar in crime no. I-235 of 2015 for the

offences punishable under section 420, 504, 506 of the Indian Penal Code, is praying for his release on bail, in the event of his arrest.

3. The prosecution allegations in nut-shell are that the present applicant is an active politician, who had represented to the complainant that his son would be appointed in the Railway as an Engineer. Time to time, he took the complainant to Delhi and on occasions, received an amount of Rs.10 Lakhs. He however thereafter started avoiding the complainant and ultimately, he issued three cheques towards the refund of the said amount of Rs.10 Lakhs. Out of the said cheques, only one cheque of Rs.2 Lakhs was honoured and all other cheques were dis-honoured. In the circumstances, the complaint came to be filed, on the basis of which the crime was registered.

4. Mr. Hon, learned Sr. Advocate i/b Mr. A.V. Hon, learned counsel for the applicant submitted before me that in-fact, there was no transaction between the complainant and the applicant. One Mr. Yadav Trimbak Pawse had entered into the contract of sale and purchase of immovable property with him and in-fact,

the genesis of the present complaint is the said sale deed. He further submits that the complainant's son is already employed with a private college as an Assistant Professor and, therefore, the case of the complainant that for securing the job of Engineer in Railway for the complainant's son, money is paid, is false. He further submits that only due to the political rivalry, the applicant was involved in a false allegation.

5. On the other hand, learned A.P.P. as well as Mr. V.R. Dhorde, learned Sr. Advocate i/b Mr. V.R. Dhorde, learned counsel assisting the A.P.P. submit that the record would show that three cheques were issued by the applicant, out of which one cheque could only be encashed. All the cheques are in the name of the present applicant. Not only this, the present applicant, time to time made false statements, as could be seen from the copy of the application that was filed before the Sessions Court at Sangamner and another application filed in the Sessions Court at Nasik unnecessarily. He submits that from time to time the applicant is shifting his stands. Now fresh stand of

agreement with third party is taken, which is against these two applications. It was further pointed out that the application before the Sessions Court at Sangamner was dismissed. Thereafter the applicant without approaching this Court, has filed similar application for grant of anticipatory bail in the Sessions Court at Nasik and in the said application, false statements are made that when the applicant was at Nasik, at that time, he got the information of registration of the crime through various newspapers, while in-fact, already his application for grant of anticipatory bail was dismissed by the Sessions Court at Sangamner.

6. Upon hearing both sides, and taking into consideration all the facts on record and more particularly that the present applicant is taking contrary stands at different stages, as detailed supra, while the complainant's case is corroborated by number of documents like dis-honoured cheques and the copy of visiting card, showing that the present applicant was on the Consultative Committee of the Railway Department during the relevant period, in my view, the custodial

interrogation of the present applicant would be required to make further investigation. In the circumstances, the following order:-

7. The Application is hereby dismissed.

8. Interim protection granted to the applicant by this Court vide order dated 29/03/2016 is hereby vacated.

9. Amount of Rs.1,00,000/- (Rs. One Lakh) deposited by the applicant in this Court, as a condition precedent for granting interim protection, be refunded to him.

[M.T. JOSHI]
JUDGE

arp/