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

CRIMINAL APPLICATION NO.1439 OF 2016

Dilipkumar s/o Manakchand Porwal,
Age: 40 years, Occ: Private Service,
R/o. New Light Colony, Tilak Marg,
Sojat Gramin, Sojat Road, Sojat,
Tehsil: Sojat, Dist. Pali
(Rajasthan).

..APPLICANT

VERSUS

The State of Maharashtra
Through Police Station Officer,
Chikalthana Police Station,
Aurangabad,
Tal. & Dist. Aurangabad & anr

..RESPONDENTS

Mr N.E. Deshmukh, Advocate with Mr R.H. Mewara,
Advocate for applicant;
Mr S.D. Ghayal, Addl. Public Prosecutor for
respondent
Mr A.S. Shejawal, Advocate for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 11th August, 2016

ORDER :

The applicant is seeking pre-arrest bail
in Crime No. I-7 of 2016, registered with
Chikalthana Police Station, District Aurangabad,
pursuant to the complaint dated 8th January, 2016,

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for the offence punishable under Sections 420, 504, 506 read with Section 34 of the Indian Penal Code.

2. The prosecution story as against the present applicant, as is reflected from the first information report is that complainant Bhagwan is dealing in agricultural products and pursuant to offers invited by him through an advertisement, one Bhikaram has placed certain orders for supplying seeds, which were supplied by the complainant. After supply, since the consideration were not paid, the complainant kept follow up and during persuasion, it revealed that present applicant is one of the accused working with a person by name Bhikaram (whose identity till date not known) and also one Rajesh Chaturvedi, cheques issued from the account of Bhikaram, are dishonoured.

3. The applicant, as such, has defrauded the complainant along with other co-accused, resulting into registration of the crime in question.

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4. This Court, pursuant to the initial submissions of applicant, so as to test bonafides as were noticed by this Court, gave opportunity to the applicant while granting ad interim protection to assist the investigating agency in tracing out accused Bhikaram. However, it is noticed that two teams, which were sent to trace out Bhikaram with the applicant, were misdirected by the applicant, as on the addresses which were disclosed by the applicant, no person by name Bhikaram could be noticed nor his business established. Apart from above, it is also noted that the documents, particularly photo I.D. of Bhikaram which was produced by the applicant appears to be bogus, as is found during investigation.

5. Apart from above, this Court has also noticed the criminal approach on the part of the applicant, particularly by using the Court process in the present matter and police machinery for his benefit, though he was knowing that addresses on which availability of Bhikaram was claimed were

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found to be completely fraudulent.

6. The investigation as is carried out against the applicant *prima facie* depicts his involvement in the crime in question.

7. Pursuant to the order passed by this Court, it is informed by learned Counsel for the applicant that the applicant is personally present in the Court.

8. For the reasons recorded herein above and in view of investigation as is noticed till date, *prima facie* involvement of the applicant in the crime in question cannot be ruled out. As such, the application fails, same stands rejected.

9. As the application is rejected, the investigating agency is free to take applicant in the custody.

(N.W. SAMBRE, J.)