

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

Criminal Application No. 5449 of 2016

District : Aurangabad

Rukmin d/o. Madhavrao Jadhav,
Age : 25 years,
Occupation : Service,
R/o. at present c/o. Brihan-Mumbai
Municipal Corporation, F/South Parel,
Mumbai - 12 and permanent
R/o. : At post Chinchala,
Taluka : Biloli,
District : Nanded.

.. Applicant.

versus

1. The State of Maharashtra,
Through Police Inspector,
Mukundwadi Police Station,
Mukundwadi, Aurangabad.

2. The Superintendent of Police,
at Aurangabad.

.. Respondents.

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Mr. Amit A. Mukhedkar, Advocate, for the applicant.

*Mr. S.P. Sonpawale, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

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CORAM : A.M. BADAR, J.

DATE : 29TH SEPTEMBER 2016

ORAL ORDER:

This is second anticipatory bail application

by the applicant / accused in Crime No. 523/2016 registered with Mukundwadi Police Station, Aurangabad, for offences punishable under Sections 420, 504 and 506 of the Indian Penal Code, registered at the instance of Kamalbai Dinkar Navgire.

2. Heard the learned Counsel appearing for the applicant / accused. By drawing my attention to the order passed by this Court while rejecting the first application for anticipatory bail, the learned Counsel argued that one of the factor which weighed the mind of this Court was non-lodging of any report about loss of cheque-book. The learned Counsel argued that there was communication gap and in fact the applicant had lodged several reports regarding loss of her cheque-book and cheques. He drew my attention to the report of non-cognizable case No. 161/2015 dated 10.01.2015 lodged by the applicant against one Bhagwan Kisan Nagare. My attention is also drawn to the report dated 15.01.2015 lodged by the applicant against Bhagwan Kisan Nagare with Police Station, Kalva, Thane. My attention is also drawn at page 47 which bears the report lodged to the Police Commissioner, Thane, on 01.05.2015 against Bhagwan Kisan Nagare as well as report of non-cognizable case No. 669/2015 registered against Bhagwan Kisan Nagare by the applicant and other documents. With this, the learned Counsel argued that in fact Bhagwan Nagare had taken blank cheque

from the applicant and he is blackmailing the applicant. The learned Counsel further argued that the applicant had no capacity to provide employment and she herself is in employment as a Security Guard with Bruhan-Mumbai Municipal Corporation Security Force. She is unmarried lady. In fact, all these arguments, except the loss or theft of cheques were already advanced while arguing the earlier Criminal Application bearing No. 2976 of 2016.

3. I have perused the FIR lodged by Kamalbai Navgire, so also the order dated 1st September 2016. Non-lodging the report about loss of cheque-book till disposal of the earlier application was not the only factor on which the earlier anticipatory bail application of the applicant was rejected by this Court. It is only one reason for rejecting the said application. In fact, informant Kamalbai Navgire had reported to Police that through one Shaikh Rahim Shaikh Karim, she met the present applicant who assured employment to her nephew in Municipal Corporation, Mumbai, either as a Security Guard or as a Clerk on payment of Rs. 2,00,000/-. The informant further averred that accordingly she paid amount of Rs. 1,50,000/- to the present applicant but employment was not given by the applicant to the nephew of the informant. After considering the matter, this Court by reasoned order rejected the application for anticipatory bail moved by the

applicant.

4. At the time of final argument of that application, it was urged by the learned Counsel for the applicant that her cheques were misused by the informant and it was in that context, this Court had observed that nothing was placed on record to show about loss of the cheque-book.

5. Be that as it may, even along with the present application, the applicant has placed on record, documents regarding her complaint against Bhagwan Nagare. It is not shown as to in which way said Bhagwan Nagare is concerned with the informant or her nephew. Averments, as seen against said Bhagwan Nagare, are to the effect that he used to abuse the applicant in obscene language. He was indulging in blackmail of the applicant. He had taken out photographs as well as signature of the applicant on blank paper and said Bhagwan Nagare had taken a cheque on SBI account of the present applicant. Similar type of allegations are made against said Bhagwan Nagare by the present applicant in her various complaints. Nexus of Bhagwan Nagare with the informant is not seen from the record. Be that as it may, even otherwise this will be the defence. In fact the act alleged against the present applicant is fraud on Constitution as public employment was sought to be sold by the applicant by

accepting huge amount of money from relative of the aspiring candidate.

6. Considering the nature of offence and the manner in which it is allegedly committed, no case for pre-arrest bail is made out.

7. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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