

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5514 OF 2016

Bhagwat S/o Babasaheb Darade,
Age : 26 years, Occu.: Labour,
R/o Jayatapur, Shirsala,
Tal. & District Beed

.. Applicant

Vs.

The State of Maharashtra,
Through Police Inspector,
Police Station, Mantha,
Tal. Mantha, Dist. Jalna

.. Respondent

Mr. S.S. Thombre, Advocate for the applicant
Mr. V.M. Kagne, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 16/11/2016

ORAL ORDER :

Heard.

2. The applicant apprehends arrest in connection with crime no. 77 of 2016 registered with Mantha Police Station, Dist. Jalna for offences punishable under section 420 r/w. section 34 of the Indian Penal Code.

3. As per the report lodged by one Santosh Avachar, he was given to believe that if he participates in a lucky draw after purchasing receipt of Rs.100/-, he

would get certain additional articles. It is stated in the report that two persons Dattatraya Munde and Gajanan Patil had collected the aforesaid amount and when enquiries were made, the complainant was informed that the present applicant was not available and when he would return, the said articles would be given.

4. It is submitted on behalf of the applicant that name of the present applicant has been mentioned at the behest of the other two accused persons. No amount was handed over to the present applicant. It is therefore submitted that the case for grant of relief has been made out.

5. The application is opposed by the learned Additional Public Prosecutor by submitting that the involvement of the applicant can be seen from the statements of said Dattatraya Munde and Gajanan Patil. Reference is also made to police papers to indicate that aforesaid receipts are issued by Akshara Home Links Hot Pvt. Ltd., with which the applicant is said to be connected.

6. Perused the police papers. The report lodged by the complainant indicates that the present applicant

has been named by the other two accused stating that after the applicant would return from Delhi, the articles in question would be given. Prima facie, no amount has been shown to have been paid to the applicant. In this view of the matter, case for grant of protection to the applicant is made out.

7. Accordingly, the following order is passed :-

I) In the event of applicant's arrest in crime no. 77 of 2016 registered with Mantha Police Station, Dist. Jalna for the offences punishable under section 420 r/w. 34 of the Indian Penal Code, he shall be released on bail on furnishing PR bond of Rs.15,000/- (Rs. Fifteen Thousand) with one surety in the like amount.

II) The applicant shall attend the concerned Police Station on every Monday and as per the directions of the Investigating Officer.

III) No steps shall be taken by the applicant to tamper with the material collected by the prosecution.

8. The observations made in this order are only for the purpose of considering the present application for grant of anticipatory bail.

9. Application is accordingly allowed and disposed of.

Sd/-

[A.S. CHANDURKAR]
JUDGE

arp/