

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.14 OF 2016

Yashwant Mohan Raut	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Harshad M. Inamdar, Adv. for the applicant.
Mrs. R.M. Gadhvi, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 12th January, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.I-52 of 2015 registered at Surgana Police Station, Nashik for the offences punishable under Sections 468, 467, 471, 420, 504 and 506 of the IPC.

2. The case of the prosecution in brief is that the applicant herein had induced one Rakesh Joshi to pay him Rs.4,50,000/- falsely representing that he would procure a job for him in Dhairyasheel Pawar School. It is alleged that the applicant had also issued an appointment letter which was found to be forged and fabricated. Said

Rakesh Joshi therefore lodged the FIR pursuant to which the aforesaid crime came to be registered.

3. Mr. Inamdar, the learned counsel for the applicant submitted that there is dispute between the applicant and one Bhaskar Nipuge, who is one of the trustee of the said institution. He has further submitted that he has been falsely implicated at the instance of said Bhaskar Nipuge.

4. Mrs. Gadhvi, the learned APP for the State has submitted that custodial interrogation is required to verify the authenticity of the appointment letter and to ascertain the involvement of the applicant in the said crime.

5. I have perused the records and considered the submissions advanced by the learned counsels of the respective parties. The FIR dated 5th August, 2015 prima facie indicates that the applicant was in search of job and that the applicant had assured him that he could help him in procuring post of a clerk. The applicant had initially demanded Rs.6 lacs and that he had paid Rs.4.50 lacs. He has further stated that the applicant had also given to him one appointment letter

which was found to be forged and fabricated. The complainant had also stated that he had issued a cheque for Rs.1 lac in the month of May, 2015.

6. It may be mentioned that there is no prima facie material on record to show that any amount from the account of the complainant has been transferred in the account of the applicant or that the applicant herein had encashed the said cheque allegedly issued by the complainant. Hence apart from the bare statement of the complainant there is no prima facie material to indicate that he had received cash of Rs.4,50,000/-. The nature of the allegations levelled against the applicant do not justify interrogation. Even otherwise the applicant is a permanent resident of Mothamal, Tal. Surgana, Dist. Nashik. Hence there is no possibility of the applicant absconding. The applicant has no criminal antecedents. In the light of these facts and circumstances, the applicant is entitled for bail.

7. In view of discussion supra, the application is allowed on the following terms and conditions.

1. In the event of arrest of the applicant in Crime No.I-52 of 2015

registered at Surgana Police Station, Nashik, the applicant shall be released on bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Dindori.

2. The applicant shall report to the investigating officer for a period of 4 days from 10 am to 1 pm from the date of receipt of this order and further as and when required by the investigating officer for the purpose of interrogation.
3. The applicant shall not leave Nashik district till filing of the chargesheet without prior permission of the JMFC, Dindori.

(ANUJA PRABHUDESSAI, J.)