

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

CRIMINAL APPLICATION NO. 3136 OF 2017

Raja s/o Wachrajsingh Thakur **... Applicants**
Age 38 years, Occu: Service,
Military Centre, Cantonment
Board, Ahmednagar Dist.
Ahmednagar

VERSUS

The State of Maharashtra **... Respondent**
Through Police Station Officer,
Newasa Police Station, Newasa,
District Ahmednagar

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the
applicant

Mr. K. N. Lokhande, APP for the State.

Mr. Rahul A. Tambe, Advocate, Assist to PP

CORAM : K. L. WADANE, J.

DATE : 11th July, 2017

ORDER:

1. Heard Mr. Jahagirdar, learned counsel for the
applicant and Mr. Lokhande, learned APP for the State.

2. Present Criminal Application is filed under
section 438 of the Code of Criminal Procedure for
grant of anticipatory bail in connection with Crime
No.I-220/2017, registered with Newasa Police Station,
Newasa, District Ahmednagar for the offences
punishable under sections 420, 120(b), 406 read with

section 34 of the Indian Penal Code, 1860.

3. The complainant Abasaheb Karale lodged a report to the Newasa Police Station alleging that accused No.1 Rahul Siddhu extracted an amount of Rs.4 lakhs from him by giving assurance of providing employment in Cantonment Board, Ahmednagar as a clerk. However, employment could not be provided to the complainant and while refunding money, cheque issued by accused No.1 to the complainant came to be dishonoured. It is further alleged by the complainant that one Dipak Kamble informed him that the present applicant Raja Thakur and one Patankar are known to him and they will do the work of employment. On the next day, accused No.1 Rahul Siddhu came to the house of the informant alongwith advertisement and it was shown to the informant. He also informed that for the employment, the informant has to pay Rs.8 lakhs i.e. Rs.4 lakhs before appointment and Rs.4 lakhs after appointment. The informant was ready for the same. Thereafter, accused Rahul taken one Deepak Kamble and the informant to applicant Raja Takur near Jamkhed Naka. At that time, there was discussion

between the present applicant and the informant. The present applicant informed the informant that rate is going to the extent of Rs.8 lakhs and he assured employment to the informant. On the basis of information given by the informant, offence came to be registered against the present applicant and other accused persons.

4. Learned counsel appearing for the applicant submits that the applicant is serving as Major in Army and he has nothing to do with the recruitment of the Cantonment Board. If anybody taken name of the applicant, then blame shall not be given to the applicant. On the other hand, learned APP, by referring to the statements of witnesses including the statement of the complainant, stated that the present applicant was instrumental in assuring employment to the informant.

5. From the first information report itself, it is clear that the applicant assured the informant about his employment and has also given details about the payment to be made and assured the complainant to pay

such amount to another accused Rahul Siddhu. So, the role of the present applicant is very specific. In such circumstance, it cannot be said that accusations levelled against the applicant are false. Furthermore, there is no reason for the informant to take name of the applicant falsely. No case is made out for grant of pre arrest bail to the applicant. Hence the criminal application is rejected.

6. Learned counsel appearing for the applicant submits that protection given by the Court be extended. I do not think that this is a case in which protection can be extended. Hence request is rejected.

(K. L. WADANE, J.)

JPC