

CRIMINAL APPLICATION NO. 3197 OF 2017

Santosh Bhausaheb Pathade ... Applicant

VERSUS

The State of Maharashtra ... Respondent

.....
Mr. S.N.Patil, advocate for the applicant
Mr. A.A.Jagatkar, A.P.P for respondent

CORAM : K.L.WADANE, J.

DATED : 4th JULY, 2017

O R D E R :

Heard Mr. Patil, learned counsel for the applicant and Mr. Jagatkar, learned A.P.P. for respondent.

2. This is an application filed under the provisions of Section 439 of the Criminal Procedure Code in connection with Crime No. 462 of 2016, registered with Cantonment police station, District Aurangabad against the present applicant for the offences punishable under Sections 420, 468, 465, 471 r/w 34 of the Indian Penal Code.

3. The informant reported that present applicant has impersonated the informant as Ganesh Gavhane and told him that he is serving in Army and he has taken an amount of Rs. Four Lacks on the pretext that he will employ him in service of military.

4. On the basis of above information, the offence came to be registered against the present applicant.

5. During the course of argument, learned counsel appearing for the applicant points out that the present applicant has lodged complaint against the informant and one Ganesh Gavhane and to give counter blast the informant has filed false complaint against the applicant.

6. Learned A.P.P. submits that during investigation certain documents required for opening the accounts are seized. Further, he submits that certain amount was transferred to the account of present applicant.

7. From the record, it appears that alleged incident took place on 15.5.2016 and the present

complaint came to be lodged after about one year. There is inordinate delay in filing the complaint. Further more, the present applicant was available for interrogation. Considering the nature of accusation against the present applicant and the fact that custodial interrogation of the present applicant was already over, no further detention of the applicant is required.

8. Hence, the following order.

(i) Criminal Application is allowed.

(ii) Applicant be released on bail in connection with Crime No. 462 of 2016, registered with Cantonment police station, District Aurangabad on furnishing P.R. bond of Rs. 10,000/- with one surety in the like amount.

9. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm