

CRIMINAL APPLICATION NO.3354 OF 2017

VERSUS

The State of Maharashtra ... Respondent

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

CORAM : K.L.WADANE, J.
DATED : 12th JULY, 2017

O R D E R :

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

2. Crime has been registered by the information given by Pramod Prabhakar Rao Wakodkar, who alleges that his matter was pending before the officer of Provident Fund, Aurangabad. Therefore he was attending each and every dates. On 9.3.2017 another accused Ganesh Borse posed himself to be the Private Secretary of Union Minister Mr. Raosaheb Danwe and assured the informant that his matter would be heard

immediately and his work would be done.

3. Mr.Borse informed the complainant that amount of Rs. 2 Lakh will be required for doing the work. The informant has given Rs. one Lakh in advance, however, no work of the informant was done. Therefore, the informant enquired about his work with Mr.Ganesh Borse Patil, on which he avoided to reply.

4. On the basis of information given by the informant, offence came to be registered against Mr. Ganesh Borse.

5. Mr. Kakade, learned counsel appearing for the applicant submits that present applicant has no role to play in the alleged transaction between Mr.Borse and the informant. However, police are calling the applicant and his brother, and therefore, the applicant apprehends his arrest in the non-bailable offence.

6. Learned A.P.P. submits that there is big racket in the Society and those persons are collecting huge money from needy persons under the pretext of doing Government work or giving

employment. Learned A.P.P. further submits that during investigation another accused Mr.Borse was arrested and when he was in the police custody certain documents were seized from his possession and from one of the documents, it appears that Mr.Borse has paid amount of Rs. one Lakh to the present applicant. However, there is no further evidence to indicate that actually the present applicant was involved in the activities along with Mr.Borse or other persons. Merely because there are some entries made by another accused in the name of present applicant showing certain payment to the present applicant, one cannot jump to the conclusion that present applicant has active role in collecting money from the needy persons from the Society.

7. In view of above, considering the nature of allegations and the fact that there is no evidence against the applicant in reference to the alleged offence, the applicant is entitled for pre-arrest bail.

8. Hence, the following order.

- (i) Criminal Application is allowed.
- (ii) In the event of arrest, the applicant be released on bail in connection with Crime No. 517 of 2017, registered with Kranti Chowk police station, District Aurangabad on his furnishing P.R. bond of Rs. 10,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Kranti Chowk police station, District Aurangabad on the call of the investigating officer as and when required.
- (iv) The applicant shall not tamper with the prosecution evidence in any manner and shall co-operate in the investigation.

9. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm