

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2210 OF 2016

Makbool Mohammedali Nadaf ... Applicant

Vs.

The State of Maharashtra .. Respondent

Mr.Pawan Mali for the Applicant
Mr.Rajan Salvi, APP, for Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 17, 2017

P.C. :

1. This application is filed for pre-arrest bail under section 438 of the Criminal Procedure Code. One Krushnat Bhimrav Korvi was searching for jobs for his two sons Ramchandra and Laxman. At that time, he was told by one of his relatives Shri Shrikant Gajare that he knew one Sadashiv Korvi, who could get some middlemen to get employment for his sons. After contacting Sadashiv and the middlemen, namely, Maqbool, the present applicant/accused, the complainant was informed that the applicant/accused has good contacts in the Irrigation Department and his children will get jobs in the said Department, if Rs.8 lakhs each are paid for his children

towards bribe. After negotiations, the applicant/accused agreed to accept Rs.8 lakhs for Ramchandra and Rs.7 lakhs for Laxman. Accordingly, the complainant paid Rs.7 lakhs on 21.5.2015 to Maqbool, i.e., the applicant/accused. After accepting the money on 21.5.2015 for Laxman, he was given order dated 4.6.2015 of employment in the Irrigation Department. On 14.6.2015, Laxman joined his job and thereafter, the complainant paid Rs.8 lakhs to the applicant/accused for the job of Ramchandra on 28.7.2015. However, no job was provided to Ramchandra so also his son Laxman was removed from job as the order dated 14.6.2015 of his employment was found forged. Therefore, the complainant contacted the accused and demanded his money. However, his money was never returned. Thereafter, he approached the police and gave complaint on 24.10.2016 and pursuant to which the offence was registered at C.R. No.366 of 2016 with Karvir Police Station, District Kolhapur, for the offence punishable under section 420 r/w section 34 of the Indian Penal Code.

2. The learned Counsel for the applicant/accused submitted that the applicant/accused has not committed any offence. There is no offence against the applicant. As per the case of the

complainant, the money was handed over in May, 2015 and July, 2015, however, no steps were taken by the complainant immediately. There is considerable delay in giving the complaint and the alleged payment of the amount.

3. Learned Prosecutor has opposed the application. He submitted that the order given in favour of Laxman was forged and, therefore, he was removed from the job. The learned Prosecutor further submitted that there is another case i.e., C.R. No.124 of 2016 registered at Ajra Police Station, against the applicant/accused and this Court has rejected pre-arrest bail in the said case by its order dated 11.1.2017.

4. Perused the FIR. There are specific allegations made against the applicant/accused of accepting money in the name of giving bribe. There is also *prima facie* evidence to show that the complainant was cheated for Rs.15 lakhs by the applicant/accused. There is a similar offence committed by the applicant/accused and so another case was registered with Ajra Police Station at C.R. No.124 of 2016. Considering the role of the applicant/accused and the allegations of cheating and forgery, in my view, custodial interrogation is required in such a case.

5. Hence, the Anticipatory Bail Application is rejected.

(MRIDULA BHATKAR, J.)