

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.863/2017

Nivtutti Bhimrao Chavan ..vs.. The State of Maharashtra thr. PSO P.S.
Chikhali, Dist. Buldana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P. S. Khubalkar, Advocate for applicant.
Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017

1. Heard Mr. P. S. Khubalkar, Advocate for applicant
and Mr. A. Madiwale, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in
connection with Crime No. 561/2017 registered with Police
Station, Chikhali, Dist. Buldana for an offence punishable
under Sections 420 read with section 34 of the Indian Penal
Code.

3. A crime is registered on the basis of report lodged
by one Ashruba Dukre, Proprietor of Bharti Jewelers,
Chikhali. The gist of the FIR is that on 10.10.2017 at about
2.45 p.m. the present applicant and co-accused Gokulsingh
Chandel came on a motorcycle to his shop. The present
applicant was known to the first informant. At that time, the
present first informant was busy in dealing with two lady
customers and they left his jewelery shop. The present

applicant informed Ashruba, the first informant that he has pledged gold in the bank and therefore he wants to take that gold ornaments from the bank and therefore he demanded Rs.1,50,000/- and out of that Rs.1,50,000/-, Rs.50,000/- will have be sent to the hospital and Rs.1,00,000/- will have to be deposited in the bank for releasing the gold ornaments. As per the FIR, since the present applicant was known to the first informant, believing his representation, handed over Rs.1,50,000/- to the present applicant. Thereafter the said first informant and one Gokulsingh, the co-accused, proceeded on motorcycle at 3.30 p.m. Gokulsingh came in the shop of the first informant and handed over gold ornaments to the first informant. Under the watchful eyes of the first informant, a jeweler, he noticed that the said ornaments are fake one and therefore he accosted the present applicant and said Gokulsingh. Thereafter, it was informed to the first informant that the co-accused Gokulsingh has handed over that amount to other co-accused by name Pravin Kokare, and he is standing at Bus Stand, Chikhali. Therefore the first informant, Gokulsingh and the present applicants went to the bus-stand, Chikhali however it is noticed that the said Pravin has vanished from the spot. Therefore, the first informant, having left with no other option, filed a complaint against these persons.

4. The other co-accused persons were arrested and according to the learned counsel for the applicant, they are released on regular bail.

5. It is the statement of the present applicant that he has not obtained any money and the money was obtained by Gokulsingh and Pravin who are already released on bail. During investigation, the said Pravin has disclosed that his real identity as Indraraj Pawar. Though at the first blush, the submissions of the learned counsel for the applicant are attractive, those are required to be rejected for the simple reason that it is only because of the present applicant's representation to the first informant, the first informant was forced to part with the amount of Rs.1,50,000/-.

6. According to the reply filed on behalf of the State, Rs.1,00,000/- is yet to be recovered. Further, looking to the nature of offence, in my view, it is not the case wherein the anticipatory bail should be granted.

Consequently, the application is rejected. Interim order dated 29.11.2017 stands vacated.

JUDGE