

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

CRIMINAL APPLICATION (ABA) NO.872/2017

Ankush s/o Manikrao Kawalkar ..vs.. The State of Maharashtra through PSO
P.S. Gadge Nagar, Amravati, Tq. Dist. Amravati.

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

Court's or Judge's orders.

Mr. D. M. Kale, Advocate for applicant.

Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 20, 2017

1. Heard Mr. D. M. Kale, Advocate for applicant and
Mr. N. B. Jawade, A.P.P. for non applicant-State.

2. Applicant is apprehending arrest in connection
with Crime No.764/2017, registered with Police Station,
Gadge Nagar, Amravati for an offence punishable under
Sections 420 read with Section 34 of the Indian Penal Code.

3. The FIR is lodged by one Bharti Khudaskar. As
per the FIR, the present applicant has promised her that if
she parts substantial amount, he will provide her the job of
Talathi. For that he demanded Rs.10,00,000/- from her.
The first informant who was desperate to secure the job has
acceded to the allurements and the promise made by the
present applicant and had, on 07.08.2016, given a cheque of
Rs.1,00,000/- to the present applicant. The said cheque was
duly encashed by the present applicant. It is also stated in

the FIR that on 10.09.2016, the present applicant obtained Rs.4,00,000/- in cash from the first informant. At the time of handing over of money, one Anil Asadkar was with the first informant and in his presence the amount is handed over. According to the FIR, it was decided in between the first informant and the present applicant that remaining amount of Rs.5,00,000/- will be paid only after handing over of the order.

4. The first informant however could not succeed in the written examination conducted by the competent authority and therefore when she demanded the amount, the applicant handed over one cheque for Rs.1,00,000/-. The said cheque was not honoured. Thereafter on many occasions when the amount was demanded by the first informant, the applicant has given evasive replies, ultimately, the FIR is lodged.

5. The FIR shows that the first informant was intending to join the job as Talathi and therefore she was preparing for the said examination and that she had been to Akola. The applicant thus was knowing that the first informant is intending to secure the job as Talathi and therefore with a scheme, he has duped the first informant.

6. According to the learned counsel for the applicant, in fact the first informant and his uncle are money lenders and the cheque which was given by the present

applicant to them is nothing but in return of the loan amount.

This is the defence put forth by the applicant. The defence cannot be considered while considering the application for anticipatory bail. What is to be seen while considering the application for anticipatory bail is as to whether there exists prima facie case against the applicant, which is not otherwise false.

7. There is nothing on record to substantiate the claim of the present applicant that the first informant, aged about 20 year is a money lender. No circumstances or instances are brought on record to substantiate the said claim. Thus, the said defence appears to be raised by the present applicant only for favourable consideration of the present application for anticipatory bail by this Court.

8. The learned counsel for the applicant submitted that as directed by this Court vide order dated 07.12.2011, the applicant has attended Police Station.

Only because the applicant has attended the Police Station, that by itself is not sufficient to make him entitle to anticipatory bail.

9. It is observed by this Court on many occasions that in the Vidarbha region, there is a spurt in such types of offences. The persons like the applicant are nothing but Job Sharks who try to throw their nests on the easy preys and

dupe them. Attitude of the persons like the applicant has to be curbed at the inception itself and they are to be dealt with iron hands in order to save further duping by them.

Thus, no case is made out for grant of anticipatory bail. The application is therefore rejected.

JUDGE

kahale