

905- ABA 1064 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1064 OF 2018

Surekha Rajesh Malode and Anr.

...Applicants

Vs.

State of Maharashtra

...Respondent

Mr. Pravartak Pathak for Applicants

Mr. Rajan Salvi -APP

Mr. Sampat Londhe, API, Deolali Camp Police Station, Nashik

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JUNE 5, 2018

P.C.

1. Heard. The Applicants herein are apprehending their arrest in Crime No. 19 of 2018 registered at Deolali Camp Police Station, Nashik for the offences punishable under section 420, 504, 506 r/w. 34 of the Indian Penal Code.

2. It is the case of the prosecution that on 30h May, 2016 one Mr. Pravin Deodhar Donde had lodged a report with Deolali Camp Police Station alleging that the present Applicant No.1, who is working as nurse with Deolali Camp Hospital, had cheated the present Complainant. He had disclosed that the present Applicant No.1 had contacted him and had offered to invest money in

her business. She had demanded Rs.5,00,000/-. According to the Complainant, he had mortgaged his house and had given Rs.5,00,000/- to the present Applicant No.1. Prior to that on 17th May, 2016, the Complainant lodged a report with Deolali Camp Police Station informing that the present Applicant No.1 had called him at Pune where she was serving in a company, told him to give Rs.5,00,000/-, that as she had great contacts, she would also give him a job at Cantonment . He did not get a job and he was hoping that Applicant No.1 would make him settle in life. However, she had not cooperated. On 29th January, 2018, the Complainant had approached the Deolali Camp Police Station and had informed that on 15th September, 2015 he had gone for morning walk where he met Mr. Rajesh Malode who informed him that there is a recruitment of new employees and that his wife will give him a job. He disclosed that Applicant No.1 would offer a job on payment of Rs.5,00,000/-. He had deposited Rs.1,90,000/- in the joint account of Mr. Rajesh and Surekha Malode. He had complained that he was cheated by the present Applicants. On the basis of the said report, offence is registered against the Applicants.

3. Upon perusal of the papers of investigation, it is clear that the Complainant has given inconsistent facts on three occasions. In the first information report, it is alleged that he had met them at the time of morning

walk whereas in the earlier two reports, he had stated that he was acquainted with Applicant No.1. The learned counsel for the Applicants submits that in fact, the Complainant was working as driver with Applicant No.1 and since he was fired on 1st April, 2016, he had started filing false cases against the present Applicants.

4. Be that as it may, it is informed across the bar that the Complainant has expired on 1st of June, 2018 due to heart attack. The said fact is confirmed by the learned APP, upon instructions, of the Investigating Officer, who is present in the Court. Taking into consideration the papers of investigation, the Applicants have made out a case of grant of pre-arrest.

ORDER

- (i) The anticipatory bail application is allowed.
- (ii) In the event of arrest of the Applicants in Crime No. 19 of 2018 registered at Deolali Camp Police Station, Nashik, they be enlarged on bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each and one or more sureties each in the like amount.

[SMT. SADHANA S. JADHAV, J.]