

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

CRIMINAL APPLICATION (APPP) NO.1008 OF 2018

IN

CRIMINAL APPLICATION (ABA) NO.380 OF 2018

(Dhanraj Kisan Khirade ..vs.. State of Maharashtra, through PSO, PS Hiwarkhed)

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

Court's or Judge's orders

Shri A.V. Band, Counsel for the applicant,
Shri V.A. Thakare, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 19-06-2018

The application is allowed.

2. The crime number be corrected as "106/2018".

Criminal Application (ABA) No.380 of 2018.

The applicant is apprehending arrest in Crime 106 of 2018 registered at Hiwarkhed Police Station for offences punishable under Sections 420 and 406 read with Section 34 of the Indian Penal Code.

2. The submission of the learned Counsel for the applicant that he is falsely implicated. Reliance is placed on an appointment order issued by Govind Nursery, of which the main accused Atul is the Proprietor to submit that the applicant is only a driver of the three wheeler owned by the main accused Atul.

3. I have perused the case diary, the statements recorded and the first information report. The accusations are predominantly against Atul. It is Atul who allegedly promised the agriculturists an attractive price of Rs.15,000/- per quintal of turmeric and persuaded them to cultivate turmeric. Atul is alleged to have taken the delivery of the turmeric and then refused or failed to pay the agriculturists. Holistically considered, the gist of the statements recorded is that when the agriculturists contacted Atul and demanded money, he promised to pay the agriculturists within two to three days, which, however, he did not do. Every statement is identical. The only allegation against the present applicant is that he and one Padmakar and Atul are partners. Except this statement, which again is not substantiated by any material, there is absolutely no allegation against the present applicant.

4. The application is allowed.

5. The interim order dated 29-5-2018 is confirmed.

6. The applicant shall abide by the conditions in the interim order.

JUDGE