

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

Criminal Application (APPLN) No. 21 of 2019

Bharat Bhoyar

Vs.

State Through P.S. Pandharkawada Dist. Yavatmal and others

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

Court's or Judge's orders

Ms. Kirti Satpute, Advocate for applicant.
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 18, 2019

The present application is filed by the complainant seeking cancellation of anticipatory bail granted to the non-applicant Nos.2 to 4.

2. The grievance of the complainant is that the accused persons had taken huge amount of Rs.11,00,000/- from him for appointment to the post of Teacher and that such amount was paid in various instalments by way of cash and cheques. It was alleged that although the applicant (complainant) was given a job of Teacher in August, 2009, but, thereafter, in the same year he was told not to attend the duties. It is the case of the applicant that in this manner, the accused had cheated him. On the basis of such allegation, FIR dated 20/03/2019, was registered against the non-applicants / accused for offence under Section 420 R/w 34 of the Indian Penal Code.

3. On an application for anticipatory bail filed by the accused persons / non-applicants, the Sessions Court passed an order on 01/04/2019, granting them anticipatory bail, taking into consideration the fact that the investigation concerned documentary material, which is already in the custody of the investigating agency and further that there did not appear to be any reason for custodial interrogation of non-applicants / accused.

4. The learned counsel for the applicant stressed upon the fact that the Sessions Court ought not to have granted anticipatory bail in the present case because the applicant had produced sufficient material to show that he had been cheated by non-applicant / accused persons. It was also submitted that the condition of execution of PR bond of Rs.25,000/- each was a very lenient condition imposed upon the non-applicant / accused persons.

5. The material on record shows that while the applicant claims to have been cheated in the year 2009, FIR has been registered after 10 years on 20/03/2019. Apart from this, it appears that the observations made by the Sessions Court cannot be found fault with, because the documentary material is already in the custody of the investigating machinery and there does not appear to be any reason for the custodial

interrogation of the non-applicant / accused persons. There is reference made to a CD pertaining to the incident wherein the conversation between the applicant and the non-applicant / accused is said to be recorded. In view of the above, this Court is of the opinion that the present application does not deserve to be granted and that the anticipatory bail granted to the non-applicant / accused persons need not to be cancelled. As far as CD containing the alleged conversation between the applicant and the non-applicant / accused persons is concerned, the non-applicant / accused persons are directed to give their voice samples to the Investigating Officer, if required, so that the investigation is facilitated.

6. With these observations, the present application is dismissed.

JUDGE