

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

CRIMINAL APPLICATION (ABA) NO. 289 OF 2019

(Sandeep s/o Shrawan Makade vs. State of Maharashtra thr. PSO, PS Shanti Nagar, Nagpur)

WITH

CRIMINAL APPLICATION (ABA) NO. 290 OF 2019

(Kanta w/o Shrawan Makade vs. State of Maharashtra thr. PSO, PS Shanti Nagar, Nagpur)

WITH

CRIMINAL APPLICATION (ABA) NO. 291 OF 2019

(Santoshkumar s/o Omkarnath Sahu vs. State of Maharashtra thr. PSO, PS Shanti Nagar, Nagpur) AND

CRIMINAL APPLICATION (ABA) NO. 292 OF 2019

(Amardeep s/o Ramraj Paswan vs. State of Maharashtra thr. PSO, PS Shanti Nagar, Nagpur)

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

Court's or Judge's orders.

CORAM : PUSHPA V. GANEDIWALA, J.
MAY 20, 2019.

Heard Mrs. M.N. Hiwase, learned counsel for the applicants and Shri C.A. Lokhande, Mrs. G.R. Tiwari and Shri D.P. Thakare, learned APPs for the non-applicant – State in the respective applications.

The applicants apprehend their arrest in Crime No. 113 of 2019 registered with the Police Station, Shanti Nagar, Nagpur, for the offences punishable under Sections 406, 419, 420 read with Section 34 of the Indian Penal Code. The allegations against the applicants are that the applicant in ABA No. 290 of 2019 – Kanta w/o Shrawan Makade with her son and her two friends accepted an amount of Rs.5,00,000/- (Rs. Five lakh only) from the complainant by promising that they would try for his service in Western Coalfields Limited, Saoner. However, they did not try for his service and thereby committed fraud for the

amount of Rs. Five lakh.

The learned counsel for the applicants submits that the amount of Rs.2,80,000/- had already been paid to the mother of the complainant and the same was obtained as handloan.

The learned Additional Sessions Judge, Nagpur, rejected the pre-arrest bail on the ground that the custody of the applicants is required to recover the remaining amount and the documents.

The respective learned APPs, in their reply, strongly oppose the applications. They submit that the custody of the applicants is required to ascertain as to how many other persons are duped and other co-accused persons. The remaining amount of Rs.2,20,000/- is also to be ascertained.

On the contrary, the learned counsel for the applicants submits that during the pendency of the Anticipatory Bail Application before the learned Additional Sessions Judge, Nagpur, the applicants attended the police station for four times and their interrogation was done.

I have considered the submissions on behalf of both the parties. At the outset, admittedly, during the pendency of the application before the Additional Sessions Judge, Nagpur, the applicants have attended the police station for their interrogation. There is no likelihood of their absconding. No criminal antecedents against them. In view of the nature of the offence and the accusations and the involvement of the complainant himself in the agreement which itself is against public policy, in my

opinion, only to recover the remaining amount of Rs.2,20,000/- and the documents, custodial interrogation is not required. Hence, I am inclined to allow all these applications.

Criminal Applications are allowed.

- i) In the event of their arrest, the applicants shall be released on bail on furnishing P.R. bond of Rs.25,000/- each with one surety of like amount.
- ii) The applicants shall make themselves available to the Investigation Officer as and when they are required.
- iii) They shall not tamper with the evidence.
- iv) They shall not leave the jurisdiction of this Court without permission of the concerned Investigation Officer.

JUDGE

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