

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.263 OF 2021

Dnyaneshwar Narayan Jadhav,
Age 39 years, Occupation Agri. &
Business, R/o At Warkheda Tal.
Sengaoon District Hingoli.

...Applicant

VERSUS

The State of Maharashtra,
Through Police Station Kurunda
Tal. Aundha District Hingoli.

...Respondent

Advocate for Applicant : Mr. B. S. Chondhekar

APP for Respondent-State : Mr. A. V. Deshmukh

CORAM : SMT.VIBHA KANKANWADI, J.

DATE : 18-03-2021.

ORDER :

1. Present applicant has been arrested in connection with Crime No.30 of 2021, by Kurunda Police Station, Kurunda District Hingoli, for the offences punishable under Section 417, 420, 327, 323, 394, 506, 489(A) (B) (C), 34 of Indian Penal code. He has filed present application under Section 439 of Code of Criminal Procedure.
2. Heard learned Advocate Mr. B. S. Chondhekar for applicant and

learned Additional Public Prosecutor Mr. A. V. Deshmukh for respondent-State.

3. It has been vehemently submitted by learned Advocate for the applicant that though the name of the present applicant has been mentioned in the First Information Report lodged by one Santosh Balaji Jadhav, it can be seen that the present applicant himself is a victim of the alleged scheme. There is no direct allegation that the present applicant had prepared the counterfeit currency notes. Police have seized his mobile, car etc., and therefore, as against him, the investigation is complete. Further the applicant is a heart patient. He was taking treatment from Dhoot Hospital, Aurangabad. The applicant is having Grade II – Diastolic Dysfunction which is considered to be moderate stage disease. The left atrium may also be increased incise due to the increase in the pressure. The applicant has not made any kind of representation which would amount to cheating. Applicant is ready to abide by the terms of the bail.

4. Per contra, the learned Additional Public Prosecutor strongly opposed the applicant and submitted that the informant has categorically stated that he was knowing the present applicant who

runs Gurumauli Krushi Seva Kendra at Risod and then shifted to Sengaon. He promised that if he invests amount with a person then that person would give double the amount than invested. Informant believed in the representation made by the applicant. It was decided that the informant would invest the said amount by handing it over to the present applicant. Informant has actually handed over Rs.2,00,000/- to the present applicant and it was decided that the rest of Rs.3,00,000/- would be given by him at Aurangabad. Thereafter, there was talk between the informant and the applicant on 29-01-2021. This applicant was along with three unknown persons who had come in a Bolero vehicle. Informant and his brother were made to sit in that vehicle. Present informant took them to Jatwada Road at about 08.00 p.m. At that time after asking the informant as to whether he want double the amount then asked him to give the amount of Rs.3,00,000/-. Then there was assault on the informant. They had tried to snatch the bag containing money from the hands of informant and his brother, but it was resisted. Applicant and others gave threat to kill to the informant and his brother and fled away from that spot. This entire story would make it very much clear that the present applicant had tried to take disadvantage of the facts and further when he was arrested and his

house was searched, he was found having possession 59 counterfeit currency notes of Rs.500/- denomination each and 06 counterfeit currency notes of Rs.100/- denomination each, therefore he does not deserve any sympathy.

5. Since the contents of the First Information Report are already reproduced, they are not taken once again. Suffice it to say that the informant was knowing the present applicant and on his representation, he states that he had plan to invest his amount or hand it over to the present applicant to get the double amount. Informant substantially states that he had given a call to the present applicant on 29-01-2021 and then he had started his journey to meet the present applicant along with brother Sopan. That means, the present applicant had the idea that informant would be having the said amount with him. The informant has stated specifically about the role played by the present applicant. Police papers would also show the statement of brother of the informant who was eye-witness. Further, there appears to be statements of other witnesses who had given amount to the present applicant and to them also there was a promise by the present applicant that he would double their amount. Therefore, there appears to be evidence against the

present applicant. Investigation is still pending. Under such circumstance, he deserve no sympathy. Hence, application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-