

1.	Dinesh @ Sachin Atmaram Rathod Age 25 years, Occu: Labour R/o Morzira Tq. Muktainagar, Dist. Jalgaon	...	Applicants
2.	Rajesh Dagadu Jadhav Age 31 years, Occu: Labour R/o Charthana, Tq. Muktainagar, Dist. Jalgaon		

The State of Maharashtra, ... Respondent
Through Bhusawal Bazarpeth Police
Station, Dist. Jalgaon

CORAM : V. G. BISHT, J.
RESERVED ON : 27th August, 2021
PRONOUNCED ON : 6th September, 2021

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0166/2021 registered with Bhusawal Bazarpeth Police Station, District Jalgaon for the offences punishable under Sections 420, 392, 34 of the Indian Penal Code, 1860.

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magic purpose on 19.03.2021, however, when complainant brought the amount to purchase the said red tube, the accused persons allegedly snatched the said amount without giving him the red tube on 23.03.2021 and fled away.

3. Mr. Mahesh K. Bhosle, learned counsel for the applicants, submits that the applicants have been falsely implicated. There is delay of 30 days in lodging the first information without explanation. Accused No.3 namely Pankaj Ratansingh Chavan has already been released on regular bail by learned trial court. The applicants are the only earning members of their family and being permanent residents of the village, shall be available for the purpose of interrogation. In such circumstance, the application may be allowed, urged learned counsel.

4. Mr. N. T. Bhagat, learned A.P.P. on the other hand, opposed the submissions by contending that present applicants and other accused have committed the offence of cheating. Investigation is in progress and therefore, custody of the applicants is necessary to have effective investigation. There being no merit in the application, the same is liable to be rejected, argued learned A.P.P.

5. Perusal of the first information report would show that the incident in question took place on 23.03.2021 whereas the first information came to be filed on 23.04.2021. I find substance in the submission of learned counsel for the applicant that there is unexplained delay of one month in lodging the report. Not only there is delay of one

month in lodging the first information report but the learned A.P.P, during the course of argument, fairly submitted that even the informant, who is resident of Bihar, is not cooperating in the investigation.

6. Having regard to the totality of the facts and circumstance of the case, keeping in mind the delay aspect and also the role of the informant in the investigation, I am inclined to allow the present application with certain conditions.

7. In view of above, I pass following order:

O R D E R

- i. In the event of arrest of the applicants in connection with Crime No. 0166/2021 registered with Bhusawal Bazarpeth Police Station, District Jalgaon for the offences punishable under Sections 420, 392, 34 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty thousand only] each, with one or two solvent sureties in the like amount.
- ii. The applicants shall attend concerned police station as and when called and shall cooperate with the police in the investigation.
- iii. The applicants shall not tamper with prosecution evidence in any manner.

(V. G. BISHT, J.)

JPC