

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

ANTICIPATORY BAIL APPLICATION NO. 871 OF 2021

Nitin S/o Gangadhar Jondhale,
Age : 29 years, Occu. Agri.,
R/o. Kokangaon (Andheri), Tq. Sangamner,
Dist. Ahmednagar.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. Vikram R. Dhorde, Advocate for the applicant
Mr. V. S. Badakh, APP for respondent / State
.....

CORAM : V. G. BISHT, J.

DATE OF RESERVING THE ORDER : 15th September, 2021
DATE OF PRONOUNCING THE ORDER : 16th September, 2021

PER COURT : -

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No. 0212 of 2021, registered with Akole Police Station, District Ahmednagar, for the offences punishable under Sections 323, 420, 504, 506 r/w 34 of the Indian Penal Code.

2. It is the case of prosecution that the informant is acquainted with the applicant. As the informant was unemployed,

the applicant always used to tell him that if he had moneys then he would secure an employment for him. The applicant then took informant to accused at Pune and introduced him with accused Vijay Shripati Patil and said Vijay Shripati Patil told the informant that the higher officers and Ministers in Mantralaya are acquainted with him and that he would secure an employment for him from reserved quota in Revenue Department. Thereafter the applicant and said accused Vijay Shripati Patil demanded Rs. 14.50 lakh from the informant. The prosecution alleges that after returning to the village, the informant on 03.07.2021 paid Rs. 3.00 lakh in cash to applicant in presence of his friends. Later on, he went on paying amount from time to time to accused Vijay Shripati Patil. Despite making payment, he did not get employment. It is further alleged that, applicant then again asked him to pay Rs. 6.50 lakh otherwise he will have to forget the amount of Rs. 14.50 lakhs paid till then. Even an amount of Rs.4,02,700/- was sent online to accused Vijay Shripati Patil and Rs. 45,000/- in cash to the present applicant. In all, he paid Rs. 18,47,700/-. Since he did not get appointment letter, the informant filed a complaint against both of them.

3. Mr. Vikram R. Dhorde, learned Counsel for the applicant, submits that the FIR in question came to be filed on 19.06.2021,

whereas, according to FIR, the amount was allegedly paid in between 03.07.2019 to 15.03.2021 by the informant to applicant and accused Vijaykumar Shripati Patil. Apparently there is delay of three months in lodging the complaint, which is not explained. The learned Counsel invited my attention to a complaint written by applicant to Senior Police Inspector, Sinhgad Police Station, Pune, against Vijaykumar Shripati Patil that latter had taken Rs. 5.00 lakhs from him for providing an employment in Railway Department and in the said complaint, also gave the details of the postdated cheques given by Vijaykumar Shripati Patil to the applicant, as a security. The photostat copy of those cheques is also filed on record at Exh. 'C' collectively. Thus, according to the learned Counsel, the applicant herein himself is victim of accused Vijaykumar Shripati Patil.

4. The learned Counsel then next submitted that the applicant has participated in the investigation and invited my attention to the statement recorded by the Police Officer and also to the N.C. dated 01.01.2021 filed by him against the informant and one Mayur Shirsath and others. In such circumstances, according to learned Counsel, it is necessary that the present application be considered favourably and he is ready to abide by the conditions which may be imposed by this Court.

5. Mr. V. S. Badakh, learned APP, on other other hand, opposed the submissions by contending that there are specific allegations against the applicant and other accused. Learned APP also invited my attention to the statement of witnesses in whose presence the amount was paid by the informant to the applicant. Investigation is in progress and having regard to the nature of offence, the custody of the applicant is very much necessary.

6. From the FIR itself, it is very much clear that the informant was knowing the applicant. It was applicant who allegedly lured the informant with a promise to secure him a job and then allegedly introduced the informant to the accused Vijaykumar Shripati Patil. It is specific allegation against the applicant and the said Vijaykumar Shripati Patil that both of them demanded Rs. 14.50 lakh and pursuant to which cash amount of Rs. 3.00 lakh was paid by informant to applicant on 03.05.2019 in presence of his friends, namely, Mayur Kshirsagar and Swapnil Dhumal.

7. I have gone through the investigation papers. I have perused the statement of said Swapnil Dhumal and Mayur Kshirsagar. They have clearly stated in their respective statements that on

03.07.2019, the informant paid cash amount of Rs. 3.00 lakh in their presence to applicant and thereafter, after three days, the applicant gave a cheque in the name Swapnil Ramnath Dhumal. The statement of these two witnesses, namely, Swapnil Ramnath Dhumal and Mayur Pralhad Kshirsagar, prima facie, show the complicity of the applicant in the alleged offence.

8. As far as the complaint of applicant against Vijaykumar Shripati Patil is concerned, it may be that he might have also been deceived by said Vijaykumar Shripati Patil. Both these transactions are independent to each other. As far as present subject FIR is concerned, prima facie, in the light of the complaint and as also statement of above noted two witnesses, the involvement of the applicant in the offence in question is more than clear.

9. Coming to delay aspect, informant has given reasons for the same in the FIR.

10. In view of above and having regard to facts and circumstances of the case, I do not want to exercise discretion in favour of the applicant and, hence, I am not inclined to allow the application. Hence the following order.

ORDER

The application is rejected.

[V. G. BISHT]
JUDGE