

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.362 OF 2019

Ashok Shamrao Shelke	...Applicant
V/S.	
The State of Maharashtra	...Respondent

Mr. Vishal L. Kolekar, Advocate for Applicant.
Mr. Ajay Patil, APP for State – Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATED : 12th FEBRUARY, 2021.**

P.C.

1. The Applicant is seeking Anticipatory Bail in connection with C.R. No.18 of 2019 dated 11th January 2019, registered at Tasgaon Police Station, Sangali, under Section 420, read with 34 of the Indian Penal Code.

2. Heard Mr. Vishal Kolekar, learned Counsel for the Applicant and Mr. Ajay Patil, learned APP for the State.

3. The F.I.R. is lodged by one Narayan Kharat on 11th January 2019. He has stated in his F.I.R. that the present Applicant, Naamdev Gurav, the Applicant's wife Jayshri Shelke

and one Jaysing Patil held a meeting with the informant and his son Vinayak. It was decided that the informant would pay Rs.9,25,000/- to these accused and the accused would procure a permanent job for the informant's son in the Government Adivasi Ashram High School, Gogave, Tal. Mahableshwar, Dist. Satara.

4. The F.I.R. mentions that on 20th November 2012, the informant paid Rs.85,000/- to the Accused – Gurav. Then on 05th November 2013, he paid Rs.2 Lakh. Then on 06th August 2014, he paid Rs.1 Lakh and in February 2015, he paid Rs.1 Lakh. Similarly, on 01st January 2016, he paid Rs.2 Lakh. The F.I.R. specifically mentions that he had deposited Rs.1,40,000/- directly in the account of the Applicant held with Rajaram Bapu Bank Ltd. Thus, in all Rs.9,25,000/- were taken by the Applicant and others. The informant's son has not get any permanent job, therefore, this F.I.R. is lodged.

5. The learned Counsel for the Applicant submitted that there is no entry of Rs.1,40,000/- in the account of the present

Applicant. He submitted that the Applicant has not taken any money and no promise was made to the informant. According to the learned Counsel, the Applicant has attended the Police Station as and when called and has cooperated with the investigation.

6. The learned APP relied on the investigation papers. He submitted that there is one entry of Rs.1,75,000/- dated 31st October 2012. It is seen that the Applicant had deposited that amount in cash in his account. Learned APP also relied on one writing executed purportedly by the present Applicant dated 17th July 2018 whereby the Applicant had accepted that he had received Rs.4,25,000/- and that he was taking responsibility to procure a job and if he was unable to do so, he would return the amount. Shri. Patil, learned APP, therefore, opposed this Application.

7. I have considered these submissions. As far as allegations in this F.I.R. regarding deposit of Rs.1,40,000/- are concerned, there is no such entry found in his account even after

investigation. The entry of amount Rs.1,75,000/- on which the learned APP relied on is deposited on 31st October 2012. The F.I.R. itself mentions that the first installment was given by the informant on 20th November 2012, therefore, that deposit cannot be connected with the present offence. As far as, the writing executed by the present Applicant is concerned, it was purportedly executed on 17th July 2018. There is no reference of this writing in the F.I.R. Out of two witnesses namely Pradip Bhosale and Balasaheb Patil, to this writing; only statement of Balasaheb Patil is recorded. He has made no reference to such writing. Therefore, sufficient doubt is created about the informant's claim. The Applicant was on interim Protection since 11th February 2019. The Applicant has cooperated with the investigation, therefore, I do not see any propriety in allowing the investigating officer to have custodial interrogation of the present Applicant after lapse of so much time. In any case, the allegations pertain to the period of November 2012 to July 2014 and the F.I.R. was lodged much belatedly in the year 2019. Taking into account all these factors the Applicant has

made out a case for grant of Anticipatory Bail.

8. Hence the following Order:

- (i) In the event of his arrest in connection with C.R. No.18 of 2019, registered at Tasgaon Police Station, Sangali, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)