

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

CRIMINAL APPLICATION (ABA) NO. 421/2021

Gaurav s/o Dnyaneshwar Sawarkar **Versus** State of Maharashtra

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

Court's or Judge's Orders

Shri P.R. Agrawal, Advocate for applicant.
 Shri H.D. Dubey, APP for Non-applicant

CORAM : S.M. MODAK, J.

DATE : 29th July, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned advocate Shri P.R. Agrawal, for the applicant and Shri H.D. Dubey, learned APP for non-applicant.

3. There is a allegation that present applicant with the assistance of one Vinod Baliram Gajbhiye and Firoz Abdul Malani offered jobs to needy person by accepting amount from them. They have projected themselves as a Government Undertaking. The applicant is having license in the name of Sanskrutik Vikas Mandal at New Ramdaspath, Nagpur. The first informant parted away Rs. 3,00,000/- and Rs. 2,00,000/-. Rs. 3,00,000/- was parted away to co-accused Vinod Gajbhiye, whereas Rs. 2,00,000/- was parted away to the present applicant and co-accused Vinod Gajbhiye.

4. The applicant was given an appointment to work as Peon. The first-informant joined the office of the applicant on 27/01/2017 and he left the job in January-2019. He realized that he was being cheated.

5. Anticipatory bail is being asked on the ground of delay in lodging the F.I.R., working in the office of the applicant for two years and readiness on the part of the applicant to repay Rs. 1,00,000/-. As against the case of the prosecution, the applicant has got different story to offer. According to him, the first informant did worked in his office and he was being paid salary too. For due performance of the duties, the first informant paid Rs. 1,00,000/- to the applicant and applicant is ready to repay it.

6. I have read the investigation papers made available to me. I do find certain appointment letters issued to certain persons including the first informant. If those letters are perused, one can gather that the applicant represented "Sanskrutik Vikas Mandal" as a Government Undertaking. There is a reference of Maharashtra State in those correspondence.

7. So these materials do suggest that Sanskrutik Vikas Mandal is projected as Government Undertaking. The investigation agency has also collected documents to show that money has been deposited in the account of Sanskrutik Vikas Mandal.

8. So at this juncture, I find custodial interrogation is required. One does not know, at this stage as to how many persons such misrepresentation has been made. So, the applicant is not entitled for anticipatory bail.

Hence, the application is rejected.

JUDGE