

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

CRIMINAL APPLICATION (ABA) NO.364 OF 2022

Anil S/o Sheshrao Jadhav

Versus

State of Maharashtra, through P.S.O., P.S. Civil Lines, Akola, Dist. Akola

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.V. Mahajan, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 10/06/2022

1. The applicant is seeking bail in Crime No.245 of 2022, dated 09.05.2022, registered with Police Station Civil Lines, District Akola, for the offences punishable under Sections 120-B, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Shri Mahajan, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence.

3. It is submitted that except the fact that the applicant introduced the complainant with the main accused, no role is attributed to the applicant in the alleged offence. It is submitted that even the applicant has not received a single paisa in the present matter, as such he is not a beneficiary.

4. It is submitted that there was a compromised between the complainant and the main accused and accordingly, main accused issued a cheque of Rs.7,00,000/- in the name of the complainant which was dishonored and thereupon, the complaint was lodged. It is submitted that there is delay of seven years in lodging the report. He submits that the custodial interrogation of the applicant is not necessary.

5. On the other hand, Shri Mirza, learned APP opposes the present application.

6. I have perused the Case Diary and also the contents of the First Information Report (FIR).

7. From the Case Diary, it can be seen that *prima facie* there is no incriminating material against the applicant to show his involvement in the alleged offence. From the Case Diary, it appears that the amount was paid to the main accused and even after compromise, the cheque was issued by the accused No.1. There is nothing to show that the applicant has received any money or any benefit out of it.

8. In that view of the matter, I am of the opinion that the custodial interrogation of the applicant is not necessary. Moreover, the fact remains that there is delay in lodging FIR. Furthermore, as there is nothing to show that

the applicant will pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for trial. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.245 of 2022, dated 09.05.2022, registered with Police Station Civil Lines, District Akola, for the offences punishable under Sections 120-B, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]