

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

Criminal Application (ABA) No.442/2022

Pundlik @ Kundlik Pathade V State of Maharashtra thr PSO PS Saoner, Nagpur

Office notes, Office Memoranda of

Coram, appearances, Court's orders

or directions and Registrar's orders.

Court's or Judge's Orders

Shri C.S. Dharmadhikari, Advocate for applicant.

Shri S.D. Sirpurkar, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 11-07-2022

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0236/2022 dated 07-04-2022 registered with Police Station Saoner, District Nagpur Gramin for the offences punishable under Sections 120-B, 406, 420, 467, 468, 471 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that though the name of the applicant appears in the FIR, however, except the role that he used to collect the documents from the claimants, nothing is attributed against the applicant like he used to collect documents to get the benefits in the alleged crime.

3. He submits that the applicant was an employee with

the accused no.7 Siddharth Chavhan and he used to act on his dictate. However, the applicant had no knowledge about the purpose to collect the documents.

4. It is submitted that the applicant, who is a law graduate, has joined the services of accused no.7 to earn bread and butter for his family and there was no such intention as alleged in the alleged offence. Accordingly, he submits that the custodial interrogation of the applicant is not necessary in this case. Therefore, he prays for grant of pre-arrest bail.

5. On the other hand, learned APP strongly opposes the application and submits that even considering the statement of the applicant which was given by him to the Police, it can be seen that he is involved in the alleged offence. He further submits that one of the witnesses namely Vaishali has stated the role of the applicant in the alleged offence. Accordingly, he prays for rejection of the pre-arrest bail.

6. I have perused the case diary and the First Information Report.

7. From the statement of Vaishali Radke, prima facie, it appears that the applicant accompanied one Shruti i.e. accused no.4 when she met Vaishali. Even if the said statement is considered no role is attributed to the applicant.

8. Furthermore, the statement of the applicant only indicates that he was working with Ashubhau and at his instance he visited the claimants and collected the documents for which he received commission. This statement also does not show any overt act at the instance of the applicant to connect the applicant with the alleged offence.

9. Thus, prima facie, it can be revealed that though the name of the applicant appears in the FIR, however, there is no incriminating material available against the applicant showing that he had knowledge regarding the purpose behind collecting the documents from claimants. There is no allegation against the applicant that he had collected the documents and used the same for extracting the benefits from the Government.

10. In that view of the matter, I am of the opinion that the custody of the applicant is not necessary. Accordingly, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) In the event of arrest of the applicant in Crime No.0236/2022 dated 07-04-2022 registered with Police Station Saoner, District Nagpur Gramin for the offences punishable under Sections 120-B, 406, 420, 467, 468,

471 of the Indian Penal Code, the applicant be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station on 18-07-2022, 19-07-2022, 20-7-2022 and 21-07-2022 between 10.00 am to 12.00 noon and thereafter as and when his presence is required.

(Anil S. Kilor, J.)