

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

CRIMINAL APPLICATION (BA) NO.756 OF 2022

Prashant Nanha Marshettiwar

Versus

State of Maharashtra, through P.S.O., P.S. Jaripatka, Nagpur

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

Court's or Judge's Order

Shri Y.Y. Humne, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 01/08/2022

1. The applicant is seeking bail in connection with Crime No.299 of 2022, dated 11.05.2022, registered with Police Station Jaripatka, District: Nagpur, for the offences punishable under Sections 420, 467 and 471 read with Section 34 of the Indian Penal Code.

2. Shri Humne, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. He submits that the amount which is shown to be paid towards the promise made by the applicant to provide employment, was in fact the amount refunded back by the complainant, which the applicant had paid to him on a promise that he will provide employment to the applicant. He therefore, submits that the applicant is no way connected in the alleged offence.

3. He further submits that the applicant is in jail for more than two months and the investigation is almost completed and accordingly, his further custody is not necessary. Thus, he prays for grant of bail.

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

5. I have perused the Case Diary and the First Information Report (FIR).

6. It appears from the application and documents filed along with the application that, a complaint prior to the present FIR, was lodged by the applicant on 09.04.2022 against the present complainant Amol Laxmikant Sakhare and Laxmikant Suresh Lokhande and one Mukul Wankhede alleging that they promised the applicant for helping out to get an employment in railway, he paid Rs.3,00,000/- and when the applicant was in need of money, he requested the accused persons to refund back the amount, they refunded Rs.2,00,000/- on 07.06.2018 and Rs.50,000/- on 28.06.2018. However, they did not pay Rs.50,000/- till date.

7. Considering the said complaint and the fact that the applicant is in jail from last two months and as the investigation is almost completed furthermore, the undertaking of the applicant that he will deposit the amount of Rs.2,00,000/- in the trial Court, I am of the opinion that

the prayer of the applicant for grant of bail shall be accepted. Accordingly, I pass the following order.

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.299 of 2022, registered with Police Station Jaripatka, District: Nagpur, for the offences punishable under Sections 420, 467 and 471 read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall deposit Rs.2,00,000/- within four weeks from today, as he has undertaken to deposit before the trial Court.
- d) The applicant shall attend the concerned Police Station on 1st day of each month between 10.00 a.m. to 11.00 a.m., till the culmination of the trial.
- e) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]