

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

CRIMINAL APPLICATION (ABA) NO.507 OF 2022

Satish S/o Nilkanthrao Bhoyar

Versus

State of Maharashtra, through P.S.O., P.S. Hinganghat, Tah. Hinganghat, Dist.
Wardha

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

Court's or Judge's Order

Shri K.J. Topale, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 28/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.627 of 2022, dated 18.05.2022, registered with Police Station: Hinganghat, District: Wardha, for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. Shri Topale, learned counsel for the applicant submits that there is no overt act attributed to the applicant in the First Information Report (FIR). He has drawn attention to the settlement deed between the complainant and the accused No.3 whereby the accused No.3 has acknowledged receipt of amount of Rs.6,40,000/- from the complainant and promised to pay back the same within six or eight months, to him.

3. He, therefore, submits that the accused No.3 is the main accused and in absence of any specific allegations against the applicant as regards accepting any amount or promise to provide employment to the complainant, custodial interrogation of the applicant is not necessary.

4. He further submits that as directed by this Court while granting *ad-interim* anticipatory bail, the applicant attended the concerned Police Station and cooperated the Investigation Officer in investigation.

5. He lastly argues that in the FIR, the complainant has accepted that, the applicant has paid Rs.2,00,000/- to him and in addition to the same, on instruction, he submits that the applicant is ready to deposit Rs.1,00,000/- in the trial Court to show his bonafides.

6. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application.

7. I have perused the Case Diary and FIR.

8. In the FIR, mainly the allegation about the acceptance of amount and promise to provide employment, is made against the accused No.3.

9. The settlement deed between the accused No.3 and the complainant is on record wherein, the accused No.3 has acknowledged the receipt of Rs.6,40,000/- from the complainant and he further made promise for repayment of the same in six to eight months. This document also *prima facie* shows that the accused No.3 has accepted the amount.

10. The FIR, further states that the applicant has paid Rs.2,00,000/- to the complainant. In addition to same, the applicant has undertaken to deposit Rs.1,00,000/- to show his bonafides.

11. Thus, considering the material available on record and the above referred facts, I am of the opinion that custodial interrogation of the applicant is not necessary, in this case. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 07.07.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.
- c) The applicant shall deposit Rs.1,00,000/-, as undertaken by him, within four weeks from today, before the trial Court.
- d) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]