

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

CRIMINAL APPLICATION (ABA) NO.769 OF 2021

(ASHWIN KUMAR VISHWANATH GAJBHIYE....VS.. STATE OF MAH. THR. PSO PS,
GONDIA(CITY), DIST. GONDIA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Sejal Lakhani, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.
Shri S.K.Utwal & Shri S.K.Soni, Advs. to Assist Prosecution.

CORAM : ANIL S. KILOR, J.

DATED : FEBRUARY 18, 2022.

This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in Crime No.701 of 2021, registered on 22/09/2021 with Police Station, Gondia (City) on a complaint of one Mayur Bandulal Date against the applicant and other accused persons for the offences punishable under Sections 420, 465, 466 and 471 of the Indian Penal Code.

2. It is the case of the prosecution that the complainant lodged a complaint alleging therein that the present applicant along with main accused Uttam Mohan Khandekar by giving false promise of employment in Railway Department, extracted money from him. It is further alleged that there are many persons like the complainant who are the victims of the present applicant and other accused persons from whom the accused persons have extracted money on the said pretext.

3. I have heard the learned counsel for the applicant and the learned A.P.P. for the non-applicant/ State.

4. The learned counsel for the applicant states that in the FIR except a statement that cheques were deposited in his account, there is no other allegation about the promise to give employment or otherwise. He, therefore, submits that there is no role played by the applicant in the alleged offence.

5. On the other hand, learned A.P.P. Shri Thakre strongly opposed the application and points out from the case diary that two witnesses have categorically mentioned the name of the applicant and the role played in the alleged offence.

6. After going through the case diary and the relevant statements I find substance in the submission of the learned A.P.P. From the statements of the witnesses, *prima-facie* involvement of the applicant is there.

7. Considering the material collected by the Investigating Agency in this matter against the applicant and also looking at the seriousness of the offence and the purpose for which the custody is necessary, I am not inclined to allow the present application.

The application is **rejected**.