IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1122 OF 2023

Ajay Ramesh Ghagre ... Applicant

Versus

The State of Maharashtra & another ... Respondents

Mr. S. V. Mundhe, Advocate for the applicant.
Mr. S. P. Sonpawale, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 21st JULY, 2023.

PER COURT :

1. Applicant apprehends arrest in connection with Crime No. 0258/2023 registered with Pathri Police Station, Dist. Parbhani, for the offence punishable under Section 420 of the Indian Penal Code.

2. It is the contention of the first informant that he had acquaintance with the present applicant as both were residing in one hostel. He further alleged that the applicant assured him of employment in Government hostel and for that purpose it was told that he will require Rs. 5,00,000/-. It is alleged that the informant has paid sum of Rs. 50,000/- and handed over documents to the

applicant. Thereafter, sum of Rs. 65,000/- was deposited into the account of the applicant over Phonepe. Inspite of receipt of said amount, applicant has failed to provide any employment to the informant and hence, present report came to be lodged.

3. Learned counsel for the applicant states that the alleged incident has occurred in January 2022 and report thereof is lodged on 18th June, 2023. It is his contention that the applicant and informant were friends and hence some amounts were transferred in his name. It is contention that infact the informant for the purpose of himself used to transfer amount into the account of applicant and later on used to withdraw the same. It is further argued that all the documents including bank statement are in the custody of the Investigating Agency and hence custodial interrogation of the applicant is not necessary.

4. Learned APP opposed the application by submitting that the statement of informant duly supports the contention that the present applicant had received amount from the informant for the purpose of providing employment to him. In support of said

contention, reliance is also placed on the bank statement of the applicant which indicates transfer of money by informant to him.

5. If it is the case of the applicant that informant was his friend, then question arises as to why false complaint is lodged against him. Apart from this, prima facie perusal of the record clearly shows that the statement of informant about payments to the applicant is duly supported by bank statements placed on record. The applicant was not able to satisfactorily explain the said transaction. As far as delay caused in lodging First Information Report is concerned, perusal of the First Information Report clearly shows that time and again the informant had contacted the applicant and insisted for employment. However, since January 2023, when the applicant has stopped attending his phone calls, it was revealed to him that he is being cheated.

6. It is not the case that money is being paid only by way of transfer into the account of applicant. There is specific allegation about payment of Rs. 50,000/- in cash by the informant to the applicant and in such circumstances, for the recovery of said

amount, custodial interrogation of the applicant is necessary. Hence, application is rejected.

(R. M. JOSHI)
Judge

dyb