

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1126 OF 2023

Govardhan s/o Laxman Gawande

Applicant

Versus

The State of Maharashtra & another

Respondents

Mr. S. S. Deshmukh, Advocate for the applicant.

Mrs. R. P. Gour, APP for the State.

WITH
ANTICIPATORY BAIL APPLICATION NO. 984 OF 2023

Sachin s/o Madhukar Cheke

Applicant

Versus

The State of Maharashtra

Respondents

Mr. Taher Ali Quadri, Advocate for the applicant.

Mrs. R. P. Gour, APP for the State.

CORAM : R. M. JOSHI, J.
DATE : 17th JULY, 2023.

PER COURT :

1. Applicants apprehend arrest in connection with Crime No. 257/2023 registered with Hingoli Rural Police Station, Dist. Hingoli, for the offences punishable under Sections 420, 471, 506 read with Section 34 of the Indian Penal Code.

2. Informant Gajanan states that present applicants and co-accused Arun induced him to pay money for the purpose of getting Government employment for his niece. In this regard, amounts were transferred in the account of co-accused Arun and details of the said transactions are given. It is further alleged that though these amounts are received, the concerned person could not get employment and thus, informant is cheated.

3. Learned counsel for both the applicants state that the statement of first informant in the report is not acceptable for the reason that it is contrary to the statement made in notice dated 11th August, 2022 wherein in respect of the same transaction, it is stated that it was a hand loan transaction. The notice is replied by co-accused Arun by stating that the money infact pertains to the transaction of purchase of house. Thus, according to them, the statement of the informant being unreliable, it is a fit case for protecting liberty of the applicants.

4. Learned APP though was unable to make any statement with regard to the notice issued, however, she submitted that the statement of one of the victims is recorded during the course of

investigation which indicates that present applicants as well as co-accused Arun were instrumental in collecting money from number of persons with assurance of providing employment. It is stated that though till date only statement of one person to that effect could be recorded, however, possibility of others being also cheated in the same manner cannot be ruled out.

5. While ascertaining as to whether applicants are entitled for protection of their liberty, this Court prima facie needs to consider as to whether the statement made in the First Information Report is believable. From the documents placed on record in Anticipatory Bail Application No. 1126/2023, it is clear that the first informant has not approached to the police with clean hands and that there is reason to accept contention of learned counsel for the applicants that this could be a case of altogether different transaction than the one projected in the First Information Report. Even accepting the statement of witness as recorded during the course of investigation to be correct, it hardly can be used against the present applicants. There is nothing on record to show that the present applicants are beneficiaries of this crime. Nothing is to be recovered at their instance. Hence, the following order :-

ORDER

(i) Anticipatory Bail Application No. 1126/2023 is allowed in terms of the interim order.

(ii) Anticipatory Bail Application No. 984/2023 is allowed.

(iii) In the event of arrest of applicant in Anticipatory Bail Application No. 984/2023, in connection with Crime No. 257/2023, registered with Hingoli Rural Police station, Dist. Hingoli, for the offences punishable under Sections 420, 471, 506 read with Section 34 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.

(iii) He shall attend the concerned police station once in a week.

(iv) He shall not contact the witnesses directly or indirectly.

(v) He shall not interfere with the evidence in any manner whatsoever.

(vi) He is further directed to cooperate the investigating agency for further investigation.

(R. M. JOSHI)
Judge

dyb