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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1574 OF 2022

Vishal @ Vinayak Narayan Telang

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mrs. Manasi Ghanekar h/f Mr. N.S.Ghanekar, Adv. for applicant
Mr. A. A. Jagatkar, APP for respondent - State
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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 12th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 19 of 2019 registered with Killari Police Station, District – Latur for offence punishable under sections 417, 420, 465, 466, 468, 471, 34 of the Indian Penal Code.
2. FIR is lodged by Mehmood Mehboob Shaikh alleging that he was acquainted with Ex-serviceman Ashok Babalsur. Ashok told him that there are vacancies of TCs in Railways. The informant met one Shivaji Khandare, present applicant and Jakir Shaikh. They told him that they have close connections with officers in Railways and have given appointment orders to many persons. He was told that Rs.9 lakh will be required for getting

appointment in Railways. The informant, therefore, transferred Rs.50,000/- twice in the account of Ashok Babalsur, Rs.1,50,000/- in the account of the present applicant and Rs.2 lakh in the account of Jakir Shaikh. Rs.4.50 lakh were paid in cash to Jakir Shaikh. Assurance was given to the informant that appointment order will be given within two months. Accordingly, appointment order was given to the informant and when he went to Dhanbad, District – Patna in Bihar State to join duty, he came to know that the appointment order is bogus. After returning back, he demanded the amount paid to the accused persons. However, the accused refused to return the money.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. The applicant is serving as lecturer in Pratibha Niketan Mahavidyalaya, Nanded. It appears from the investigation papers that the applicant has returned Rs.1,20,000/- to the informant and Rs.30,000/- are remained to be paid. According to the applicant, the said amount was towards hand loan and he has no concern with the alleged offence. The applicant undertakes to return Rs.30,000/- to the informant by depositing in his bank account within a period of four weeks from today. Except

statement of the co-accused and the alleged bank transaction of transfer of money, there is nothing on record to show active involvement of the applicant in the alleged offence. There are no criminal antecedents against the applicant. Investigation appears to be almost complete.

5. The applicant was granted interim protection and was directed to co-operate in the investigation. Accordingly, the applicant has attended the police station and has co-operated in the investigation. In the facts of the present case, pre-trial custodial detention of the applicant is not warranted. The application is, therefore, allowed by confirming the interim order. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the Investigating Officer. The applicant shall not tamper prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE