

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

CRIMINAL APPLICATION (ABA) NO. 146/2023

Rajesh Nandkishor Gandharwar and anr. .VS. State of Maharashtra

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

Court's or Judge's orders

Mr. A. B. Badar, Advocate for applicants.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : APRIL 13, 2023.

On 03.03.2023, following order was passed:

"Heard.

2. *The accusation against the Applicants is that they have taken an amount of ₹ 2,00,000/- from the informant on the pretext of providing job in Central Railway as CMS Operator. The learned Counsel for the Applicants is unable to state the full form of the designation 'CMS Operator'.*

3. *The learned Counsel for the Applicants submits that the job was provided, but was on the contract basis. The informant is insisting for permanent job.*

4. *Issue notice to the Non-applicant, returnable on 10th March, 2023.*

5. *Mr. Kadukar, learned APP waives service of notice on behalf of the Non-applicant/State.*

6. *In the meantime, the interim relief on the following terms:*

(i) *In the event of arrest in Crime No. 49/2023 registered with Police Station, Ganeshpeth, Nagpur City for the offences punishable under Section 406, 420, 467, 468, 471 read with Section 34 of Indian Penal Code, the Applicants – Rajesh Nandkishor Gandharwar and Satish Siddhartha Kalbande be released on bail on their executing PR Bond in the sum of Rs.50,000/- with one or two sureties each in the like amount.*

(ii) The Applicants shall attend the Police Station, Ganeshpeth, Nagpur on 5th March, 2023 between 2.00 p.m. to 5.00 p.m.

7. The Applicants are directed to remove office objection by the next date.”

2. Learned A.P.P. submits applicant's presence at Police Station is required for the purpose of getting information of involvement of the third accused. He submits that necessary documents have been recovered and communication has been made with the concerned department to ascertain the authenticity of the document. The documents relate to the appointment letters purportedly issued by the applicant.

3. Learned counsel for the applicant submits, without prejudice, that the information of the third person has already been furnished to the investigating officer. He further submits that he has cooperated and will continue to cooperate in the investigation

4. In view of above, the purpose will be served if the applicant is directed to attend the Police Station as and when called.

5. With the above observations, the interim relief granted on 03.03.2023 is made absolute, with a condition that the applicant shall attend the Police Station as and when called and shall cooperate in the investigation.

The application is disposed of.

(Anil L. Pansare, J.)