



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

Criminal Application [ABA] No.569 of 2023

Akash Rajkumar Hemke

vs.

State of Maharashtra, through PSO, P.S. Warora, Distt. Chandrapur

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Dhiraj Ailani, Advocate for the Applicant.

Mr. A.M. Kadukar, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 6th SEPTEMBER, 2023.

Apprehending arrest in Crime No.542/2021, registered by Police Station Warora, District Chandrapur for the offence punishable under Sections 420 and 406 of the Indian Penal Code against the applicant and other co-accused, the present application has been filed by the applicant.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State. I have gone through the case diary.

03] The prosecution case is that co-accused Rajendra Meshram informed the complainant that one post of clerk is vacant in Visionbachat India Nidhi Ltd., Warora (Bank) and for getting that job, one has to deposit Rs.3.50 lakhs with the said Bank initially. The complainant was asked to deposit Rs.1.50 lakhs initially and then she will get the amount return back. Therefore, the complainant on 28/10/2020 gave Rs.45,000/- to one Rajendra Meshram in presence of the applicant and Shilpa Kurekar and thereafter on the say of Rajendra Meshram, the complainant handed over Rs.55,000/- to the

present applicant on 20/11/2020. Accordingly, the present applicant issued receipt to that effect. Thereafter, she transferred Rs.10,000/- through Phonepe and cash amount of Rs.10,000/- and Rs.15,000/- on two occasions to the applicant. After issuing joining letter, the complainant served with the Bank for 20 days and later on, the complainant was asked to display a notice that the Bank will remain closed for 20 days. When the complainant noticed that the Bank is remained closed continuously, she asked the applicant to refund the amount, on that he told that he has no role to play in the matter and it is only Rajendra Meshram, who will repay her.

04] It is contended on behalf of the applicant that the applicant was serving in the said Bank, rather, he is also one of the victims, who got appointment as Accounts Manager after depositing some amount. He has also resigned from the said post. According to him, he has not convinced or insisted the complainant to deposit Rs.1.50 lakhs.

04] Perusal of the case diary, it transpires that the main role is attributed to Rajendra Meshram, who insisted to deposit Rs.1,50,000/-. The role assigned to the present applicant is only that of receiving the amount of Rs.50,000/- from the complainant at the instance of main accused Rajendra Meshram and accordingly he issued receipt to the complainant. It is not the case that amount of Rs.50,000/- was kept by the applicant with him.

05] Considering the role assigned to the present applicant and the nature of allegations levelled against him, a case is made out for grant of extraordinary relief. Hence, the following order :

- i. In the event of arrest of the applicant in Crime No.542/2021, registered with Police Station Warora,

District Chandrapur, he shall be released on bail on his furnishing a P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount before the trial Court.

- ii. The applicant shall attend the concerned Police Station on every Saturday between 10:00 a.m. to 12:00 p.m for four weeks and cooperate with the investigation.
- iii. The application is allowed and disposed of in the aforestated terms.

JUDGE

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