



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

CRIMINAL APPLICATION (ABA) NO.593 OF 2023
(Deshraj s/o Kawadu Madavi Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.D. Bhuihar, Advocate for the applicant.
Mr. Phutane, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- DECEMBER 07, 2023.

Heard.

2. By this application, the applicant is seeking anticipatory bail in connection with Crime No.925/2023 registered with Police Station Pandharkawada, District Yavatmal for offences punishable under Section 420 read with Section 34 of the Indian Penal Code.

3. The applicant is apprehending arrest at the hands of police as crime is registered against the present applicant on the basis of report lodged by Ismail Khan Khalil Khan on an allegation that the present applicant and other co-accused demanded amount from him for offering the job in Axis Bank. The promise given by the applicant and the co-accused was a false promise and obtained an amount to the tune of Rs.5,80,000/- from him.

4. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, his role is only to the extent that he has introduced the complainant

with the other co-accused. There is no allegation that the amount was given to the present applicant. Thus, nothing is to be recovered from the present applicant. In view of that, interim protection granted to him be confirmed.

5. Learned Additional Public Prosecutor strongly opposed the application on the ground that the present applicant is the main accused who induced the other co-accused to obtain the money and given a false promise of providing the job. The custodial interrogation of the present applicant is required and prays for rejection of the application.

6. Having heard learned Counsel for the applicant and learned Additional Public Prosecutor for the State. Perused the FIR and the investigation papers. It reveals from the recitals of the FIR that the son of the informant was in need of a job. The present applicant introduced the informant and his son with the co-accused and the co-accused has demanded the amount for providing the job. As far as the present applicant is concerned, allegation against him is only to the extent that he has introduced the complainant with the co-accused. There is no allegation that the complainant has handed over the amount to the present applicant. Considering the role of the present applicant, his custodial interrogation is not required. In view of that interim protection granted to the present applicant deserves to be confirmed. Hence, I proceed to pass the following order :

- (i) The application is allowed.

(ii) In the event of arrest, the applicant – Deshraj s/o Kawadu Madavi in connection with Crime No.925/2023 registered with Police Station Pandharkawada, District Yavatmal for offences punishable under Section 420 read with Section 34 of the Indian Penal Code, be released on anticipatory bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer for the investigation purpose and shall cooperate with the Investigating agency.

(iv) The applicant shall furnish his Cell phone number and address with address proof.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)