2024:BHC-AUG:2760

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.11 OF 2024

MANISHA ARUN THAKRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Mr. Prashant M. Nagargoje, Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondents
...
WITH
ANTICIPATORY BAIL APPLICATION NO.1440 OF 2023

ARUN SHRIRAM THAKRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Mr. Sachin S. Deshmukh, Advocate for Applicant
Mr. S.B. Jadhav, APP for Respondents
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 07th FEBRUARY, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.257/2023, registered with Hingoli Rural Police Station, Hingoli for offences punishable under Sections 420, 471, 506 r/w 34 of the Indian Penal Code.

2. FIR is lodged by Gajanan Tukaram Gaikwad, alleging that Arun Thakre and his father-in-law Gowardhan Gawande were introduced by informant’s relative Sachin Madhukar Cheke. Arun Thakre told informant that posts of clerk-cum-typist are to be filled in at agricultural department and his niece Ashwini Vilas Gaikwad

should apply for the said post. They also took her educational documents. Thereafter, Sachin Cheke and Arun Thakre repeatedly called informant and asked him to pay money for securing job. Informant refused for the same. Thereafter Arun Thakre called informant at Mantralaya, Mumbai and told him that his father-in-law Gowardhan Gawande is officer in agricultural department at Matralaya and demanded Rs.25 lakhs for securing job for Ashwini. Informant expressed his inability to give such a huge amount. Then they showed him list of eligible candidates dated 05/05/2021 of Agriculture, Animal Husbandry, Dairy and Fishery Business Development Department, Mantralaya, Mumbai. Name of Ashwini, niece of informant, was at Sr. No.23 in the said list and name of wife of informant’s relative Rameshwar Gadekar, Swati Haribhau Wani was also mentioned in the list of candidates to be appointed on the post of Clerk. Informant was told that said list would be published on 30/05/2021 and his relative Rameshwar is also paying amount for securing job to his wife. Photocopy of said list was given to informant and Rs.21 lakhs were asked to be paid. Arun Thakre gave his ICICI Bank Account No.061501506642 of Washim Branch, wherein informant deposited Rs.10 Lakhs by way of RTGS on 20/05/2021. Thereafter, Rs.5 lakhs were transferred by way of RTGS in Arun Thakre’s account on 03/06/2021. Thereafter, Arun Thakre told informant to transfer remaining Rs.6 lakhs in the account of his wife Manisha in the IDBI Bank, Washim, bearing Account

No.1666104000032665 and assured that order of his niece will be received by them within a week. Accordingly, informant transferred amount of Rs.6 lakhs in the account of Manisha Arun Thakre. Thereafter when informant started asking about interviews, Sachin Cheke and Arun Thakre started giving evasive replies. Informant then met Rameshwar Gadekar. He also told that for securing job for his wife Swati he has transferred amount of Rs.13 lakhs from his brother's account to Arun Thakre's account. Informant and Rameshwar then went to Agriculture Office, Hingoli, and inquired about the recruitment and order. Then they realized that said order is bogus and no such recruitment has taken place. Therefore, they asked Arun Thakre and Gowrdhan Gawande to return the amount. However, they refused to return the same.

3. Heard learned advocates for applicants and learned APP for the State. Perused the investigation papers.

4. Learned advocate for applicants submits that amounts transferred by way of RTGS in the account of Arun Thakre and Manisha Thakre were towards the sale of house by Manisha Arun Thakre to informant. Lodging of FIR is proceeded by exchange of notices between informant and Arun Thakre. He, therefore, submits that false FIR is lodged against applicants and applicants may be protected.

5. Learned APP by relying on the investigation papers strenuously opposed the application.

6. Perusal of investigation papers show active involvement of applicant Arun Thakre in the offence. Sale deed between Manisha and informant is executed on 08/02/2022. Consideration amount mentioned in the sale deed of Rs.30,87,000/- was paid by cheque of ICICI Bank bearing No.00391, dated 08/02/2022. If the amounts transferred by way of RTGS were towards sale transaction, the said amounts would have reflected in the sale deed. Therefore, there is no merit in the submission of applicants that said amounts were transferred by informant towards part consideration of sale transaction. Admittedly, those amounts were transferred in the year 2021 and, therefore, they cannot be said to be towards sale transaction.

7. So far as applicant Manisha Thakre is concerned, the only role attributed to her in present crime is that, at the instance of applicant Arun Thakre amount of Rs.6 lakhs was transferred in her bank account. Except that her involvement does not appear in present crime. Considering her gender, she is entitled for protection.

8. Custody of applicant Arun Thakre is necessary for effective investigation as *prima facie* it appears that he has committed the offence alleged in FIR. In the result, Anticipatory Bail

Application No.1440/2023, of Arun Thakre is rejected.

9. Anticipatory Bail Application No.11/2024, of applicant Manisha Thakre is allowed by confirming interim protection granted to her vide order dated 05/01/2024. Till filing of charge-sheet, she shall attend the concerned police station as and when called by investigating officer.

10. At this stage, learned advocate for applicant Arun Thakre prays for continuation of interim protection granted to applicant. For the reasons stated in this order, said prayer is rejected. Interim protection granted to applicant Arun Thakre stands vacated.

(NITIN B. SURYAWANSHI, J.)