



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 53 OF 2024

Anil Dadarao Ubale

... Applicant

VERSUS

The State Of Maharashtra
And Another

... Respondents

.....
Mr. Suvidh S. Kulkarni, Advocate for the Applicant
Mr. S.B. Jadhav, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in connection with Crime No.791 of registered with CIDCO Police Station, Aurangabad for offence punishable under sections 406, 420 of the Indian Penal Code.

2. FIR is lodged by Mahendra Nivrutti Gadve, in short, alleging that applicant has taken interview of informant, and after the interview, told him that informant is eligible for the post of Clerk, and if he wants permanent job, he will have to pay an amount of Rs.15,00,000/-. For the present, Rs.6,00,000/- will have to be paid. Informant paid cash amount of Rs.1,00,000/- to the applicant and Rs.5,00,000/-

were transferred in the account of Vandana Sanjay Jadhav as per say of applicant. On 25.05.2017, applicant called informant in office of *Shri Kalika Devi Bahuuddeshiya Shikshan Prasarak Mandal* for joining. However, he gave appointment letter on the post of peon. Informant asked as to how he is giving joining letter of peon. Applicant told informant that the society is receiving 100% grant and presently they are issuing appointment letter on the post of peon. After the Government issues permanent order, that time, he will be given appoint on the post of Clerk. Informant believed applicant and joined on the post of peon. He worked for a period of one year, on the salary of Rs.2,000/- per month salary. Since on completion of one year, his order on the post of Clerk was not given, informant told applicant that he is not in a position to work on meager salary. Applicant should either give permanent order on the post of Clerk or return his money. At that time, Dadarao Ubale and Vandana Jadhav told him to give resignation from the post of Peon and then only he will get his money back. Accordingly, informant gave resignation from the post of peon. Accused took from him original appointment letter on the post of Peon. Thereafter, informant repeatedly requested accused to return his amount, applicant gave a cheque of Rs.6,00,000/- of his mother's account in State Bank

of Hyderabad dated 28.08.2018 and told him not to deposit the said cheque for the present. The validity of the cheque expired. Thereafter, second cheque of Axis Bank of Rs.3,50,000/- was given to informant on 13.07.2019, the same bounced. Again a cheque of Rs.1,00,000/- of Mahindra Kotak Bank dated 20.12.2021 was given by applicant, it also bounced. When informant insisted for repayment of his amount, applicant threatened him with dire consequences. Hence, informant lodged the present FIR.

3. Heard learned advocate for applicant and learned APP for respondent - State. Perused the investigation papers.

4. Learned advocate for applicant contends that FIR is lodged only after the limitation for filing complaint under section 138 of the Negotiable Instruments Act is expired. By relying on *Chanda Deepak Kochhar Vs. Central Bureau of Investigation, 2023 (1) Crime 360 (Bom.)*, he submits that since applicant was not issued notices under section 41 and 41-A of Code of Criminal Procedure, he is entitled for anticipatory bail.

5. Investigation papers reveal that, in the present crime, the original record of the society, original appointment letter issued to the informant are yet to be recovered. The

investigation is at preliminary stage and for effective investigation, custody of the applicant is necessary.

6. Applicant is not in a position to explain as to why so many cheques were issued in favour of informant. *Prima facie*, there appears substance in the allegations made in FIR that applicant has committed offences punishable under Section 406 and 420 read with section 34 of the Indian Penal Code. In the facts of present case, the citation relied upon by learned advocate for applicant is not helpful to the applicant. Applicant, therefore is not entitled for discretionary relief of anticipatory bail. The application is therefore rejected.

7. Needless to state that observations made in this order are confined to the merits of the bail application.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane