2024:BHC-AUG:25997

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 95 OF 2024

Mohan Gokul Ranjwan
VERSUS
The State Of Maharashtra

Mr. S. J. Salunke h/f Mr. B. R. Sable, Advocate for the applicant
Mrs. P. V. Diggikar, APP for the respondent/Statse

CORAM : R. M. JOSHI, J.
DATE : 22nd OCTOBER, 2024

PER COURT :-

1. Applicant apprehends arrest in connection with Crime No. 401/2023 registered with Majalgaon City Police Station, Dist. Beed for the offence punishable under Section 420 of the Indian Penal Code.

2. First informant claims that he has acquaintance with the applicant and that friendship developed between them. He further claims that his son was searching for employment. It is alleged that the applicant has assured him of employment against payment of Rs.3 lakhs. He claims that a total sum of Rs.3 lakhs was deposited in to the account of the applicant for this purpose from time to time.

3. Learned counsel for the applicant submits that in order to show bonafides, the applicant has already deposited a sum of Rs.3 lakhs before the Trial court. His further submission that owing to the

restrictions for directly selling the cotton crop, he used to sell the cotton crop of informant as well as other persons. To support the said submission he has placed on record on receipts issued by APMC, Kaij. It is his submission that the person who entered in to the transaction would only gets the said receipts and the documents placed on record supports case of applicant. He therefore contends that there is no substance in the allegation that on assurance of providing employment, any money is received by the applicant from informant.

5. Learned counsel for the informant opposed the application by contending that the report of the Investigation Agency indicates that the information provided by the applicant and affidavit filed by him is false. He further submitted that there is specific allegation made against the applicant in the first information report which is supported by the transfer of the amounts into account of applicant by him. Learned APP also opposed the application by relying upon the report submitted by the concerned police station wherein it is claimed that false affidavit is filed.

6. At the out set, this Court needs to record that the report submitted by concerned police station alleging that the false affidavit is filed by the applicant is not acceptable. It is pertinent to note that the applicant has come out with a specific case that owing to the certain restrictions, he was unable to sale the cotton crops in his own name and

therefore, he used to sale the cotton in the name of other person including present applicant. The receipts issued by APMC, Kaij are in the custody of the applicant. It is known fact that the receipts so issued are only to the person who entered into said transaction. There is no explanation forthcoming from the informant as to how the receipts in his name are in possession of present applicant. In the light of this fact, merely because the transaction is in the name of the informant it cannot be said that affidavit is false.

7. The above fact indicate that there is apparent suppression of some material fact by the informant while lodging first information report. In any case, now with the deposit of Rs.3 lakhs before the Trial Court nothing is to be recovered at the instance of the present applicant. It is clarified that having regard to the serious dispute with regard to the amount deposited into the account of the applicant, the said amount be kept with the Trial court till conclusion of the trial. Trial Court not to permit its withdrawal during pendency of trial. Needless to say that the amount be deposited kept in a fixed deposit till the conclusion of the Trial. Hence, application is allowed in terms of interim order dated 19th January, 2024.

(R. M. JOSHI, J.)

ssp