

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.862 OF 2024

Prakash Ramchandra Kharatmol & Ors. Applicants

versus

State of Maharashtra Respondent

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- Mr. A. A. Devkhile, Advocate for Applicant.
- Ms. Poonam P. Bhosale, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd APRIL, 2024

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No.I-74/2015, dated 08/08/2015, registered with Bhairav Police Station, Nashik, under sections 420, 467, 468 r/w 34 of the Indian Penal Code.

2. Heard Mr. A. A. Devkhile, learned counsel for the Applicants and Ms. Poonam P. Bhosale, learned APP for the State.

3. The FIR is lodged by one Seema Phulpagare. She has stated that on 10/08/2012, she came across an advertisement in a newspaper issued by M/s. Shri Swami Samarth Bahuddeshiya Sanstha, Vairag, Taluka Barshi, District Solapur, that they were conducting a residential school at Wadner, Taluka Chandwad and they wanted to employ teachers and other employees. The informant made an application. The Applicant No.1 called her to Tuljapur and conducted her interview. He asked to pay Rs.50,000/- for giving her job. She accordingly paid Rs.50,000/-. The FIR goes on to mention that she was made to pay in all Rs.1,95,000/-. The Applicant No.3 was the brother of the Applicant No.1 and the Applicant No.2 was the wife of the Applicant No.3. The allegations in the FIR are that the said school did not have any permission and it was closed. The informant and others were not given their salary. On this basis, the FIR is lodged.

4. Learned counsel for the Applicants submitted that the FIR was lodged in the year 2015 and till December 2023 the Applicants were not even aware of the registration of the FIR.

They were always available at their address. After about 9 years, there is no reason as to why they should be arrested for custodial interrogation.

5. Learned APP submitted that in this case, the investigation was carried out and the charge-sheet is already filed. However, she could not answer as to why the Applicants were not arrested for about more than 8 years and as to why suddenly the investigating agency wants to arrest them.

6. In this situation, the Applicants can be protected by way of ad-interim relief, considering that the FIR is lodged long time ago in the year 2015 and for more than 8 years, no steps were taken to arrest them.

7. Learned APP shall file affidavit-in-reply of the present Investigating Officer explaining as to why for 8 years no steps were taken and as to why the investigating agency suddenly wants to arrest the Applicants in this case.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.I-74/2015, dated 08/08/2015, registered with Bhairav Police Station, Nashik, till the next date, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, with one or two sureties each, in the like amount.
- (ii) This order shall operate till 30/04/2024.
- (iii) Stand over to 30/04/2024.

(SARANG V. KOTWAL, J.)