

Krishna Vishwakarma	...	Applicant
V/s.		
State of Maharashtra	...	Respondent

Ms. Kranti T. Hivrale, APP for the State.

DATE : 28th May 2024
(Vacation Court)

PC:

1. Heard for some time.
2. FIR came to be lodged against five persons wherein the present applicant is not named. It is alleged by the informant that he wanted to earn money by doing brokership by giving houses on rent by accepting deposit. He therefore, came in contact with Rakesh Singh, Shubham Mishra, Sunil Manish and Shiv Shukla and those persons told him to transfer the amount in the name of Yogesh and Hoshla @ Shiv Kumar Shukla of Rs. 22,31,000/- However, later on they did not

make available flat on rent. It is on that he relied that he is cheated and lodged a complaint for the offence punishable under sections 419, 420, 465, 467, 468, 471 and 120B of IPC and section 66 (C) and 66(D) of I.T. Act 2000. In the investigation the name of the applicant transpired and such report was filed in the Court. It is alleged that those persons have given the amount to the present applicant. On filing of such remand report, the applicant apprehended his arrest and approached the Sessions Court. However his application came to be rejected and thus the applicant is before this Court.

3. Learned advocate for the applicant argued that there is no material to connect the present applicant with the alleged offence. He is implicated only on the basis of statement of one of the accused persons. There is no any other evidence to connect him with the offence and prays for allowing the application.

4. Learned APP vehemently opposes the application stating that the applicant is a master mind. It is at his instance the other accused persons are involved in the activities of taking money under the pretext of accepting deposit and giving flat on rent. She submits that therefore, custodial interrogation is necessary. This Court has seen the FIR, this applicant is not mentioned in the FIR. Even in the remand

report, only allegation appears that the other accused persons used to withdraw the amount in cash and thereafter used to hand over to the present applicant. Except that there is no material appearing as on today. However investigation is still in progress. In such circumstances, this Court finds that reply is necessary from the responsible officer. Till then it is necessary to protect the applicant. Hence, the following order:

ORDER

- i) Issue notice to the respondents, returnable on 18th June 2024. Learned APP waives notice for respondent / State.
- ii) Till the next date, in the event of arrest the applicant shall be released on bail in connection with C.R. No. 40 of 2024 registered with Cyber Police Station, North Division, for the offence punishable under Sections 419, 420, 465, 467, 468, 471 and 120B of IPC and section 66© and 66(D) of I.T. Act 2000 on furnishing P.R. bond of Rs. 15,000/- and one solvent surety in the like amount.
- iii) The applicant to attend the police station as and when called for.
- iv) The applicant shall not tamper with the evidence and

shall not contact the witnesses.

v) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details the same will be immediately informed to the concerned police station.

5. With this, the application is disposed of accordingly.

(KISHORE C. SANT, J)