



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.78 OF 2024

Devrao s/o Bhaurao Hiwarale
Vs.

State of Maharashtra, Through Police Station Officer, Police Station GRP
Railway, Akola, District Akola

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Anil Mardikar, Senior Counsel a/b Mr. D. P. Singh, Counsel for the
applicant.
Mr. N. B. Jawade, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

1. The applicant is apprehending arrest at the hands of police, in connection with Crime No.537/2023 registered with Police Station GRP Railway, Akola, District Akola for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of anticipatory bail.

2. The crime is registered on the basis of report lodged by one Sandesh Hukumchand Dahale, wherein it is alleged that the applicant and the co-accused induced the informant to believe that he would hand over the forged currency notes worth of Rs.40,00,000/-, if he paid Rs.20,00,000/- in the original Indian rupees, therefore, the informant was asked to bring Rs.17,00,000/- in bag at Akola

Railway Station, and he has handed over the said bag. In return, the applicant allegedly took from the informant Rs.17,00,000/- and left the place. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Senior Counsel Mr. Anil Mardikar for the applicant submitted that as far as the allegations are concerned, it reveals that the informant alleged to have handed over the said amount for an illegal act. As far as the criminal antecedents are concerned in several crimes, the applicant is acquitted from the charges. He further submitted that at this stage, we cannot accept the statement of the complainant as a gospel truth, whatever reveals is only the exchange of fact and nothing is found in the said statement therefore, no offence is made out against the present applicant.

4. He further submitted that as far as the custodial interrogation is concerned, which is not required and therefore, the applicant deserves to be released on anticipatory bail. He further submitted that when the applicant was released on ad-interim anticipatory bail he has attended the Police Station and cooperated with the investigating agency.

5. Learned APP strongly opposed the said application on the ground that there are criminal antecedents and the crime chart shows that in all

nine offences are registered against him out of that one offence is of a similar nature. He further submitted that during the pendency of the investigation of the present crime, one more offence is registered against the present applicant vide Crime No.419/2024 at Parksite Police Station, District Brihanmumbai, wherein also the allegations are of a similar nature.

6. He further submitted that the custodial interrogation of the present applicant is required to ascertain the transaction between him and the complainant regarding the fake currency notes and therefore, his custodial interrogation is required and prays for rejection of the application.

7. After hearing the learned Senior Counsel Mr. Anil Mardikar for the applicant and learned APP Mr. Jawade for the State, perused the investigation papers. As far as the recitals of the FIR is concerned, admittedly, the complainant has paid the amount of Rs.17,00,000/- for the illegal act i.e. for obtaining the fake currency notes from the present applicant. The allegation is substantiated by the CCTV footage as well as the CDR report. The CCTV footage shows that there was exchange of bag between the complainant and the present applicant. The CDR report also shows there was communication between the present applicant and the complainant. The investigation is in progress. As far as the role of the

present applicant which reveals from the CDR report as well as from the CCTV footage and considering the fact that during pendency of the investigation of the present crime, another crime is registered against the present applicant of the similar nature. There are various criminal antecedents against the present applicant from which it reveals that the applicant is a habitual offender and one of the offence which is registered is also of the similar nature. Considering these facts, the application deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)