



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

CRIMINAL APPLICATION (ABA) NO.88 OF 2024

Rupesh s/o Mahadeo Thute

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Sadar, Nagpur

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

Court's or Judge's orders

Mr. S. P. Sonwane, Advocate for applicant.

Ms. T. H. Udeshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 28/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.742/2023 registered with Police Station, Sadar Nagpur, District Nagpur for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the informant namely Sanjay Sukhdev Gupta on an allegation that he got acquaintance with the present applicant and on the pretext of providing land on lease. The amount of Rs.1.6 Crores is obtained and some of the amount was transferred in the account of the co-accused. On the basis of the said report, police have registered the crime against the present applicant.

3. The learned Counsel for the applicant submitted that as per the allegation, the amount of Rs.8,50,000/- is received by the present applicant, out of which, he has already repaid the amount of Rs.5,00,000/-. As far as the investigation purpose is concerned, now, the custodial interrogation of the present applicant is not required. In view of that, he be released on pre-arrest bail. He further submitted that the co-accused against whom the similar allegations are made is already released on anticipatory bail.

4. Learned APP strongly opposed the application on the ground that during investigation the role of the present applicant is revealed. As per the prosecution case, the informant Sanjay Gupta is having grocery shop and in order to extend his business, he was intending to purchase or take land on lease. One Krushna Thote was known to him who is dealing with the business of the land in September 2020. He approached to the informant and informed that one Govind Waghmare - accused No.5 can allot him land on lease belongs to the NMC or NIT. The said Krushna Thote also introduced the informant with one Munna Yadav. The said Munna Yadav and Krushna Thote had introduced him with Govind Waghmare and said Govind Waghmare - accused No.5 came to his shop along with the Munna Yadav and informed him that for completing his work the amount of Rs.1.5 Crores is required. The

informant informed them that he would pay the same by cheque on this, the other co-accused declined to take the amount by cheque and told to pay the amount by cash. It is further alleged that from the said amount the applicant has received the amount of Rs.8.50,000/-. The present applicant is Government servant and employee as a Tax Collector in Nagpur Municipal Corporation (NMC). It is submitted that he is also involved in the said crime and received the amount of Rs.8,50,000/-, out of that, he has repaid the amount of Rs.5,00,000/-. Still, some amount is to be recovered from him and therefore, his custodial interrogation is required.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. From the investigation papers, it reveals that other co-accused have obtained an amount of Rs.1.5 Crores from the informant for obtaining the land on lease. As far as the present applicant is concerned, whose role is revealed during the preliminary enquiry, as per the allegation, he has received the amount of Rs. 8,50,000/-, out of that he has already repaid the maximum amount i.e. more than 50% to the extent of Rs.5,00,000/- to the informant. Considering the role of the present applicant and his involvement in the crime, his custodial interrogation is not required. The other co-accused namely Govind Ramaji Waghmare against whom more serious allegations are levelled is already

released on anticipatory bail. Considering the same, the application of the present applicant deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant namely **Rupesh s/o Mahadeo Thute** be released on anticipatory bail in the event of his arrest, in connection with Crime No.742/2023 registered with Police Station, Sadar Nagpur, District Nagpur for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- (iv) The applicant shall not leave the jurisdiction of Nagpur District without prior permission of the Court.
- (v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)