



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

CRIMINAL APPLICATION (ABA) NO. 115 OF 2024

Shri Siddheshwar Ashokappa Ghodki Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.PMakkad, counsel for the applicant.

Ms. Trupti Udeshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/03/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 855/2023 registered with Police Station Washim (City), Tq. and District Washim for the offence punishable under Sections 406, 408, 420, 427, 465, 467, 468 read with Section 34 of the Indian Penal Code, 1860. The applicant approached this Court of grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by the informant – Vinod Prakash Ganode, who filed an application under Section 156 (3) of the Code of Criminal Procedure, 1973 before the Judicial Magistrate First Class, Washim. Wherein, he alleged that he is a resident of Washim and running a business of electronic items at Washim. He used to place orders with various dealers. Accordingly, he has decided to purchase the Hyundai Company Refrigerator from the accused Nos. 1 to 4 and placed his order. He has also paid the requisite amount by way of Google Pay. However, he has not received the delivery of said

Refrigerator. On the contrary, the amount of Rs. 5,52,500/- was obtained against the items of electronic, and no electronic items were delivered to him. Considering the allegations made in the complaint, the learned Magistrate has passed the order, and the crime is registered.

3. Learned counsel for the applicant submitted that, in fact, the informant by joining hands with the Police Officials at Washim and the Police Officials at Chhaoni, Aurangabad detained the present applicant illegally, and forced him to sign on some documents. He submitted that as far as the electronic business is concerned, which is run by his brother, he is not at all concerned. His custodial interrogation is not required and the statement of witnesses also shows that the amount was given to his brother and not to him. In view of that, he be protected by granting pre-arrest bail.

4. The learned APP strongly opposed the application on the ground that the present applicant and his brother are running the business, they have obtained the payment of Rs. 5,52,500/- from the informant and no electronic items are delivered to the informant, and thereby informant is duped. The informant is not only duped but the fabricated bills are prepared and therefore, custodial interrogation of the present applicant is required.

5. After hearing both the sides and on perusal of the investigation papers, it reveals that the allegation as to payment of money is concerned, which is against the co-accused Shivling. As far as the present applicant is concerned,

the only allegation against him is that, he is the brother of the co-accused Shivling. The statements of the witnesses also nowhere allege that it is the present applicant who has prepared the forged bills. It seems that, being he is the brother of the co-accused, his name is appearing, however, whether he has played any role or not, it is a matter of evidence. At this stage, considering no prima-facie case is made out against the present applicant to show that he has received any amount from the informant. Accordingly, he can be protected by granting pre-arrest bail. In view of that, I proceed to pass the following order:

- a) The criminal application is **allowed**.
- b) In the event of his arrest, in connection with Crime No. 855/2023 registered with Police Station Washim (City), Tq. and District Washim for the offence punishable under Sections 406, 408, 420, 427, 465, 467, 468 read with Section 34 of the Indian Penal Code, 1860, the applicant **Siddheshwar Ashokappa Ghodki**, shall be released on anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend Police Station concerned Police Station once in a week on Sunday between 10.00 a.m. to 12.00 noon and shall cooperate the investigating agency.

- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]