



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

CRIMINAL APPLICATION (BA) NO.353 OF 2024

Atul s/o Dnyandev Puri

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Frezarpura, District Amravati

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

Court's or Judge's orders

Mr. P. V. Navlani, Advocate for applicant.

Mr. A. B. Badar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 17 /04/2024

1. The applicant came to be arrested on 16.02.2024 in connection with Crime No.127/2024 registered with Police Station Frezarpura, District Amravati for the offences punishable under Sections 324, 342, 364, 395, 397, 506(2) of the Indian Penal Code.

2. As per the allegation in the FIR, the informant is a Senior Clerk at Panchayat Samiti, Amravati, and prior to that he was working in the Education Department. He got acquaintance with the present applicant and the other co-accused. Eight months prior to the lodging of the FIR, the applicant had informed the informant that one vacancy for the post of Lecturer at Biyani College is available, and if somebody is interested, he should be contacted. It is also alleged that the informant met with the present

applicant 15 days before the alleged incident, whereupon the present applicant informed him that one post of Lecturer is vacant at Biyani College, Amravati, and the co-accused namely Prashant Thakurdasji Rathi is the Director would help them in getting the job.

3. It is further alleged that one Clerk namely Mahalle approached the present applicant and informed him that his wife is interested for the said vacancy. Pursuant to that, the informant had a meeting with the present applicant, one Shyam Kumbithop, one Mahalle and the co-accused Rathi, at the relevant time, the amount of Rs. 15,00,000/- was paid to the said Rathi and the rest amount was agreed to be paid. At that time, the amount of Rs.15,00,000/- was agreed to be paid to the said Rathi and the rest of the amount of Rs.10,00,000/- was to be paid later-on. The informant and one Shyam Kumbithop was paid Rs.10,000/- each by the co-accused Rathi. After a few days, present applicant started calling the informant and started making inquiries in respect of the job which was promised and started threatening. On 13/02/2024 at about 9.30 a.m. as per the allegation present applicant telephonically contacted the informant and asked him to meet near Dastur Nagar, and thereafter, the present applicant who was in his four-wheeler, forcefully took the informant in the said vehicle, and after that, they went to some other area where the

co-accused Rathi and Bablu Gade joined them, and then again they went to one vacant house, wherein he was threatened and assaulted with belt and plastic pipe. The informant alleged that he had received the amount from Mahalle couple to be given to the society and it is alleged that four unknown persons forcefully took out Rs.4,200/- from the informant. On the basis of the same, the report is lodged against the present applicant and other co-accused.

4. Learned counsel Mr. Navlani for the applicant submitted that the entire story narrated by the informant itself is improbable and unacceptable, and only to implicate the present applicant in the false offence and this story is concocted. He submitted that the said FIR is challenged by filing a criminal application (APL) bearing No. 364/2024 for quashing, wherein the Division Bench directed the Investigating Officer not to file the charge-sheet without obtaining the leave of this Court.

5. He further submitted that considering the entire facts on record, there is no material to show that the present applicant either has received any amount or he has played any vital role in the said crime. He further submitted that as far as the allegation is concerned, it is only that the present applicant pursued the informant and the other co-accused Rathi, therefore, the custodial interrogation of the applicant is not required as nothing is to be

required from him. He further submitted that the father of the applicant is bedridden and old aged person. There is nobody to look after him. In view of that and considering the entire investigation material the application deserves to be allowed by releasing the applicant on bail.

6. Learned Additional Public Prosecutor strongly opposed the said application on the ground that there are serious allegation against the present applicant, which shows that it was the present applicant who was communicating between the co-accused and the informant. The huge amount of Rs.15,00,000/- was paid to the co-accused. As far as the role of the present applicant is concerned, which reveals from the recitals of the FIR that it is the present applicant who took the informant in his vehicle and thereafter, the informant was assaulted and the amount of Rs.4,200/- was snatched from him. Thus, considering the *prima facie* case which is made out against the present applicant, the bail application deserves to be rejected. He also invited my attention towards the various statements of the witnesses as well as the mobile seizure panchnama. The panchnama of the house where the informant was detained and submitted that the *prima facie* material collected during the investigation shows the involvement of the present applicant in the alleged offence and prays for rejection of the application.

7. Having heard learned counsel for the applicant and learned APP for the State, perused the entire investigation papers it reveals from the recitals of the FIR as well as the observation of the Division Bench that no amount is paid to the present applicant, it was agreed to be paid to the co-accused. It further reveals that the role attributed to the present applicant is that he was mediating between the informant and the co-accused. It is submitted by the learned Counsel for the applicant that as far as the allegations are concerned, there is nothing on record to show that the present applicant was concerned, with the Management of the said Biyani College wherein the vacant post was there. It was the co-accused Mahalle, who was serving in a Shivaji Education Society and present applicant has only introduced the complainant with the said Mahalle. On perusal of the recitals of the FIR, it seems that the allegation against the present applicant is that he has taken the informant in his vehicle and the other co-accused was also present there and thereafter, all the accused assaulted the informant and also snatched the amount by showing him the weapons. It further alleged that by detaining him in one house one chit was got prepared from him. The statement of the other witnesses are also recorded during the investigation. It seems that investigation is practically completed as charge-sheet is not filed, in view of the order passed by the Division Bench of this Court. The co-accused Prashant Thakurdasji Rathi to whom

alleged amount is already paid, is already released on bail in the event of his arrest in connection with Crime No.127/2024. Comparatively the role attributed to the present applicant is less severe than the role attributed to the co-accused who is already released on anticipatory bail. There is no allegation against the present applicant that he has received either some amount from the informant. As far as the further incarceration is concerned, which is not required as investigation is already practically completed. In view that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Atul s/o Dnyandev Puri** shall be released on bail in connection with Crime No.127/2024 registered with Police Station Frezarpura, District Amravati for the offences punishable under Sections 324, 342, 364, 395, 397, 506(2) 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 month on first of every month between 10.00 a.m. to 1.00 p.m. and the Investigating Officer shall record his presence till filing of the charge-sheet.

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

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)