



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

CRIMINAL APPLICATION (BA) NO. 420 OF 2024

Surendra s/o Bahurao Junnake V/s 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. M.V.Rai, counsel for the applicant.

Mrs. Shamshi Haider, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 06/05/2024.

1. The applicant came to be arrested on 18/03/2024, in connection with Crime No. 316/2024, registered with Wardha Police Station, District Wardha for the offence punishable under Sections 406, 408, 409, 420, 465, 467, 468, 471 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is on the basis of report lodged by one Dhanjay Wagh, Assistant Superintendent serving in the Collector's Office. As per the allegation, the Land Acquisition Officer who is the main accused namely Swati Vasantrao Suryavanshi by misusing her post by preparing forged documents, misappropriated a huge sum, and put the government to loss. Before the inquiry, the committee was held by the Collector Wardha on 23/02/2024 and the report was lodged. During the inquiry, it was found that the main accused who was a Special Land Acquisition Officer have instructed one of the co-accused to bring beneficiaries for availing land acquisition

amount, and some amount was transferred in the account of the present applicant. On the basis of the same, the crime is registered and the applicant is arrested.

3. Learned counsel for the applicant submitted that the present applicant is arraigned an accused and the whole amount was transferred from his account to the account of Nitesh Yesankar the co-accused. He submitted that during investigation, the statement of Nitesh Yesankar was also recorded to inform the police, that he received the amount from the present applicant. Learned counsel for the applicant further submitted that the co-accused with similar role is already released on bail. The co-accused Nitesh Yesankar who acquainted with the present applicant and he obtained the account number from the present applicant and transferred the said amount in his account without his knowledge. Considering the investigation is completed, the entire amount is already transferred from his account to the account of co-accused, the further incarceration of the present applicant is not required, in view of that, prays for releasing the applicant on bail.

4. Learned APP strongly opposed the said application on the ground that the involvement of the present applicant that he is one of the beneficiary of the said amount and prays for rejection of the application. She fairly admitted that the amount which was transferred in the account of the present applicant is already returned back to the account of the co-accused Nitesh Yesankar.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the bank account extract of the account of the present applicant. From which, it reveals that amount of Rs. 5,10,000/- was transferred in his account through the Government cheque. It further reveals that out of the said amount, he has returned the entire amount and he has not received a single penny from that said amount. The statement said Nitesh Yesankar also supports the said fact, considering that the account of the present applicant is used without his knowledge and now investigation is completed and charge-sheet is yet to be filed. Considering the role attributed to the present applicant, bail application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- (a) The criminal application is allowed.
- (b) The applicant – **Surendera Bhaurao Junnake** shall be released on bail, in connection with Crime No. 316/2024, registered with Wardha Police Station, District Wardha for the offence punishable under Sections 406, 408, 409, 420, 465, 467, 468, 471 of the Indian Penal Code, 1860, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

- (c) 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.]