



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

CRIMINAL APPLICATION (ABA) NO.284 OF 2024

Jagruti w/o Rajesh Wahurwagh and others

Vs.

State of Maharashtra, Through Police Station Officer, Police Station
Bhandara, District Bhandara

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

Court's or Judge's orders

Mr. G. S. Telgote, Advocate for applicant.
Mr. S. S. Hulke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/06/2024

1. By preferring this application, the applicants are seeking pre-arrest bail in connection with Crime No.126/2024 registered with Police Station Bhandara, District Bhandara for the offences punishable under Sections 406, 409 and 420 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicants is on the basis of report lodged by Chhaya Dilip Jaiswal, who alleged that she got acquaintance with the present applicants as accused No.4 has introduced her and her husband with the present applicant and other co-accused. The present applicant and other co-accused promised to allot the contract of installing the street lights in the Bhandara district and obtained the amount of Rs.32,50,000/-. Subsequently, no contract was issued to her or her

husband, only the applicant No.1 has repaid the amount of Rs.5,00,000/-. As far as the other applicants are concerned, they neither repaid the amount nor given any work as promised by them. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that as far as the allegations are concerned, which are of civil nature, in view of that custodial interrogation of the present applicants is not required and therefore, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that there is a specific allegation that with intent to dupe the informant, they have obtained the huge amount from the informant and her husband time to time and have not issued any work order or not fulfill the promise. As far as the custodial interrogation of the applicant Nos. 2 to 4 is concerned, which is required for the recovery of the money. As far as the applicant No.1 is concerned who has already repaid the money which she has received in her account, therefore her custodial interrogation is not required.

5. After hearing the learned Counsel for the applicants and learned APP for the State. Perused the entire investigation papers, which shows that the

applicants are the Proprietors of a company by name Jankalyan Arthik Vikas Nidhi Limited. The payment by the informant is concerned, is supported by the account statement of the informant which shows that the amount was transferred in the account of the applicant Nos.1 to 4. The applicant No.1 has already repaid the amount as far as the applicant Nos.2 to 4 are concerned, they neither repaid the amount nor issued any work order in the favour of the informant. The custodial interrogation of the applicants is required for recovery of the amount, in view of that application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed partly.

(ii) In the event of arrest in connection with Crime No.126/2024 registered with Police Station, Bhandara, District Bhandara, the ad-interim protection granted to the applicant No.1 is hereby confirmed on the same conditions which are imposed by order dated 23.04.2024.

(iii) The prayer of the applicant Nos.2 to 4 for grant of anticipatory bail is hereby rejected.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)