



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

CRIMINAL APPLICATION (BA) NO.486 OF 2024

Nitin s/o Baburao Kuthe
Vs.
State of Maharashtra, Through Police Station Officer, Police Station,
Wardha City, Wardha

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

Court's or Judge's orders

Mr. B. H. Tekam, Advocate for applicant.
Mr. N. B. Jawade, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/06/2024

1. The applicant came to be arrested on 06.03.2024, in connection with Crime No.316/2024, registered with Wardha Police Station, District Wardha for the offences punishable under Sections 406, 408, 409, 420, 465, 467, 468, 471 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by one Dhananjay 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 Suryawanshi by misusing her post prepared the 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 Nitesh Yesankar to bring beneficiaries for availing land acquisition amount, and some amount of Rs.6,75,571/- was transferred in the account of the present applicant.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned, he is a Carpenter by profession, his account was misused by the co-accused Nitesh Yesankar without the knowledge of the present applicant and the said amount was transferred in his account. As soon as the applicant came to know about the transferred amount, he has returned back the said amount to co-accused Nitesh Yesankar, who is acquainted with the present applicant. Thus, now the custodial interrogation of the present applicant for further investigation is not required. The applicant who is similarly situated is already released on bail by this Court in Criminal Application (BA) No.420/2024 and 411/2024.

4. Learned APP strongly opposed the said application on the ground of involvement of the present applicant who is one of the beneficiary. However, he 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. Considering the submissions made by the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the other investigation papers which shows that the amount which was transferred in the account of the present applicant through Government cheque was already returned back by him to the co-accused. The statement of co-accused also supports the said fact. Now, the further incarceration of the present applicant is not required and considering the role attributed to him, he is only beneficiary and he has already returned the said amount, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(a) The criminal application is allowed.

(b) The applicant – **Nitin s/o Baburao Kuthe** shall be released on bail, in connection with Crime No.316/2024, registered with Wardha Police Station, District Wardha for the offences punishable under Sections 406, 408, 409, 420, 465, 467, 468, 471 of the Indian Penal Code, 1860, on executing P.R. 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.

6. The criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)