



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.395 OF 2024

(Dilip s/o Manik Giri Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.399 OF 2024

(Chhagan Pandurang Khule and anr. 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. A.S. Londhe, Advocate for the applicants.
Ms T.H. Udeshi, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JUNE 18, 2024.

Heard learned Counsel for the applicants
through Video Conferencing.

2. By both the applications, the applicants are seeking pre-arrest bail in connection with Crime No.49/2024 registered with Police Station Shegaon Railway, Taluka Khamgaon, District Buldhana for the offence punishable under Sections 420 read with Section 34 of the Indian Penal Code.

3. As per the accusation the co-accused induced the informant to invest the amount of Rs.5,00,000/- on which she would get Rs.15,00,000/- from the Manager of the Society. It is further alleged that as the informant was well acquainted with the co-accused Asha Khadse and Asha Patil. She has handed over the amount of Rs.5,00,000/- and said amount was handed over to the

present applicants. On the basis of said report, police have registered the crime against the co-accused as well as the present applicants.

4. Learned Counsel for the applicants submitted that as far as the present applicants are concerned there is absolutely no direct or circumstantial evidence to connect them with the alleged offence. They further submitted that though the applicants have received the notice under Section 41 but the Investigating officer has not assigned the reasons why the arrest is required. They further submitted that the co-accused are already released on bail. In view of that, the present applicants be released on bail. They will cooperate with the investigating agency.

5. Learned APP strongly opposed the application on the ground that during investigation it reveals that the CCTV footage of railway station which records that the present applicants were seen leaving the platform along with the bag of the amount. The investigating agency has also collected the CDR of the present applicants along with the other co-accused. She further submitted that the investigation is at very initial stage. Though notice under Section 41 is issued to the present applicants, they have not cooperated with the investigating agency and not attended the police station. The amount is to be recovered which is huge amount for a lady who has invested the same, and therefore, the custodial interrogation is required.

6. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that it was the co-accused Asha Patil and Ashal Khadse who induced the complainant to invest the amount. In view of that, the complainant was asked to bring the amount at railway station and handed it over to two unknown persons. The statement of the complainant as well as the statement of Suraj Balakdas who was accompanying the complainant also supports the same. During investigation, the investigating officer has collected the CCTV footage as well as the CDR report which shows that the present applicants met the complainant and the Suresh Das on railway station. She handed over the said amount to them. They have obtained the said amount and left the place. The photographs which are obtained from the CCTV footage clearly shows the two persons who are the present applicants obtained the said amount and left the station. In the photographs all the four accused are seen carrying the bag which was handed over to them by the complainant in presence of said Suresh Das. The CDR report also shows the consistent communication between the present applicants and the other co-accused. Thus, considering the entire investigation papers the specific role attributed to the present applicants reveals. Moreover, the amount which is handed over by the complainant to them is yet to be recovered, therefore, their custodial interrogation is required. Considering the *prima facie* material against the present applicants, both the

applications deserves to be rejected.

7. Hence, both the applications are rejected accordingly.

(URMILA JOSHI-PHALKE, J.)

**Divya*