



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

CRIMINAL APPLICATION (ABA) NO. 552 OF 2024

Pankaj @ Nana Krushnarao Padan 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. P.V. Navlani, counsel for applicant.

Mr. U.R. Phasate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/08/2024.

1. By preferring this application, the applicant is seeking pre-arrest bail, in connection with Crime No.127/2024 registered with Police Station Frezarpura Amravati, District Amravati for the offence punishable under Sections 324, 342, 364, 395, 397 and 506(2) of the Indian Penal Code, 1860.

2. The applicant is apprehending arrest at the hands of police as police are searching him in connection with the above said crime, which is registered on the basis of a report lodged by Pundalik Hunarsingh Jadhav, wherein it is alleged that the co-accused, Prashant Thakurdasji Rathi, was serving as a Senior Clerk at Panchayat Samiti, Amravati, and prior to that, he was working in the Education Department. The informant got acquaintance with him and the co-accused, Atul Puri, eight months prior to the present FIR. The co-accused, Prashant Rathi, informed him the informant that one vacancy for the post of lecturer at Biyani College is

available, and if somebody is interested, he should be contacted.

3. It is further alleged that one clerk, namely Mahalle, approached said Atul Puri and informed him that his wife is interested for the said vacancy, and pursuant to that, the informant had a meeting with Atul Puri and the others, and at the relevant time, the amount of Rs.15,00,000/- was paid to the co-accused, and the rest of the amount was agreed to be paid. It is further alleged that the informant was abducted by the co-accused, he was assaulted, and the amount of Rs.4200/- was snatched. On the basis of said report, police have registered the crime against the other co-accused.

4. Learned Counsel for the applicant submitted that, as far as the present applicant is concerned, his name is neither mentioned in the FIR nor in the subsequent statement of the informant. As far as the role of the present applicant is concerned, it nowhere reveals from the entire charge-sheet that he is arraigned as an accused only on the basis of the statement of the co-accused, which is not admissible. He further submitted that, even in subsequent incident also, the presence of the present applicant was not there. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

5. Learned Additional Public Prosecutor strongly opposed the said application on the ground that there are serious allegations against the co-accused as well as the

present applicant. The present applicant was absconding, and therefore his custodial interrogation is required.

6. After hearing learned counsel for the applicant and learned APP for the State, perused the charge-sheet from which it reveals that neither the name of the present applicant is revealed in the FIR nor a supplementary statement. On perusal of the entire charge-sheet, none of the witnesses have named the present applicant in the said crime. As far as the statement of the co-accused is concerned, which is not admissible, considering the same, at this stage, the applicant has made out a case for grant of anticipatory bail. In view of that, I proceed to pass the following order :

- a] The criminal application is allowed.
- b] In the event of arrest, the applicant – Pankaj @ Nana Krushnarao Paden in connection with Crime No.127/2024 registered with Police Station Frezarpura, Amravati, District Amravati for the offences punishable under Sections 324, 342, 364, 395, 397 and 506(2) of the Indian Penal Code, 1860, be released on anticipatory bail on executing a PR.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- c] The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. till

filing of the charge-sheet and shall cooperate with the investigating agency.

- d] The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]