



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

CRIMINAL APPLICATION (ABA) NO. 649 OF 2024

Manish Murlidhar Lanke 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. S.V. Sirpurkar, counsel for the applicant.

Mr. S.V. Narale, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.468/2024 registered with Police Station, Balapur, District Akola, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel, Mr. S.V. Sirpurkar for the applicant, who submitted that as per the allegation, the informant was acquainted with the present applicant, and the present applicant promised him as well as other persons to provide a job and obtained Rs. 1,00,000/-, yet from them, no job was provided, and they were duped. He submitted that as far as the allegations are concerned, for which the punishment upto 7 years is provided. There is no compliance in view of Section 41 of Cr.P.C. [Section 35(3) of BNSS]. He submitted that, which is a mandatory compliance, in view of the guidelines issued by the Hon'ble Apex Court in the case

of *Satender Kumar Antil Versus Central Bureau Of Investigation & Anr. [2022 Livelaw (SC) 577]*. He submitted that after the applicant is protected by granting ad-interim protection, he has cooperated with the investigating agency and attended the police station, as far as his custodial interrogation is concerned, which is not required.

3. Learned APP strongly opposed the said application and submitted that in all nine persons were duped by obtaining the money. All the persons are of a labour category, and they have invested their hard-earned money to get the job. By taking disadvantage of their unemployment, the amount was obtained. Considering the same, the application deserves to be rejected.

4. After hearing the learned counsel for the applicant and the learned APP for the state, perused the recitals of the FIR, from which it reveals that the allegation is that on the promise of providing the job, the amount was obtained from the informant as well as the other prosecution witnesses. As far as compliance under Section 41 of Cr.P.C. admittedly is absent. The alleged offence is punishable with imprisonment up to seven years, and in view of the judgment of the Hon'ble Apex Court in the case of *Satender Kumar Antil* (supra), that compliance is required. In absence of the compliance, the prayer of the applicant for grant of ad-interim anticipatory bail deserves to be allowed. In view of that, I proceed to pass the following order:

- a] In the event of the arrest, the applicant – ***Manish Murlidhar Lanke*** shall be released on anticipatory bail, in connection with Crime No.468/2024 registered with Police Station, Balapur, District Akola, for the offence punishable under Section 420 read with Section 34 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 attend the concerned police station once in a week on Monday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet, and shall cooperate with the investigating agency.
- d] 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.]