



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

CRIMINAL APPLICATION (ABA) NO.653 OF 2024

(Arvind Devlal Wankhede 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. S.V. Sirpurkar, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.
Mr. H.V. Dhage, Advocate for Assist to Prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- NOVEMBER 21, 2024

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, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by Abdul Gufran @ Sajjad Abdul Gaffar on an allegation that the present applicants promised him and other persons to provide a job and obtained Rs.1,00,000/- each from them, and subsequently, they have not provided a job. On the basis of said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that the entire transaction between the present applicants and the prosecution witnesses was a money transaction, and out of that, this FIR came to be lodged. She submitted that the FIR is lodged after four years of the incident. He

also invited my attention towards the affidavit filed by the applicant wherein he has stated that the amount deposited in the account is of the year 2022 whereas the alleged transaction of obtaining the money was of 2020. He submitted that considering the said account statement the falsity of the allegation reveals. Moreover, the applicant has cooperated with the investigating agency after he is released on bail. In view of that and considering the offence alleged is punishable with imprisonment less than 7 years, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that from 8 to 12 labours, the amount was collected by the applicants and other co-accused. She also invited my attention towards the WhatsApp chat and submitted that from the WhatsApp chat it reveals that there was demand of amount by the present applicant and the other co-accused and the said amount was paid by the informant and the other prosecution witnesses. The statement of the account also substantiates the same. In view of that, the custodial interrogation of the present applicants is required, and therefore, the application deserves to be rejected.

5. Learned Counsel for the complainant also endorsed the same contentions.

6. I have heard learned Counsel for both the parties. Perused the entire investigation papers. It reveals

that the alleged transaction between the applicant and the informant is of the year 2020 i.e. specifically 15/05/2020 whereas the account statement shows that the amount was deposited on 05/08/2022 i.e. after two years of the incident. As far as the WhatsApp chat is concerned from which it reveals that there was some money transaction between the present applicant and prosecution witnesses; however, it is difficult to ascertain that the said WhatsApp chat is regarding the transaction which is alleged by the informant in the FIR. As far as the custodial interrogation is concerned the applicant has already directed to attend the police station. He has attended the police station. There is no complaint that he has not cooperated with the investigating agency. Merely because the prosecution agency submitted that the custodial interrogation is required is not sufficient but the prosecution has to substantiate the said contention. Considering the same, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicants -
(1) Arvind Devlal Wankhede (2) Shrikant Arvind Wankhede 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, on executing P.R. Bond in the sum of Rs. 25,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM, till filing of the charge-sheet and shall cooperate with the investigating agency.

(iv) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case either personally or by way of electronic media.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*