



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

CRIMINAL APPLICATION (BA) NO. 1085/2023

Bhushan Nandkishor Charde 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. U.P. Dable, counsel for the applicant.

Mrs. Mayuri Deshmukh, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/01/2024.

1. The present application is filed by the applicant for grant of bail, in connection with Crime No. 436/2023, registered with Police Station Bhadrawati, District Chandrapur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860. The applicant came to be arrested on 09/08/2023.

2. The accusation against the present applicant is on the basis of the report lodged by Swapnil Padmakar Dahiwalkar alleging that on 05/08/2023, he got acquaintance with the co-accused Sudhakar Meshram, Dhananjay Puri, and Someshwar Yelchelwar, as he was unemployed and was residing in Bhadrawati with his wife, daughter and parents. He was in search of a job and came into contact with the co-accused Sudhakar Meshram who promised him that he will secure a job for him and obtain the money from him. It is alleged that the father of the complainant had paid Rs. 5 Lakhs on cash. On 31/5/2023, the co-accused Sudhakar Meshram and thereafter, he was

taken by the co-accused at Thermal Power Station, Khaparkheda and introduced with one Dhananjay Puri who was alleged to be a High Ranked Officer in the said Thermal Power Station. The said Dhananjay Puri inspected the documents of the complainant, and his wife shown the approval letter of service bearing a Government Stamp and it was told that there is a vacancy in the Thermal Power Station. It is alleged that the present applicant has represented himself as a Dhananjay Puri, on the basis of said report, the police have registered the crime against the present applicant and other co-accused.

3. Learned counsel Mr. U.B.Dable for the applicant submitted that the present applicant is arrested on 09/08/2023, and on the next date the statement of the witnesses were recorded. There was an opportunity for the investigating agency to put the present applicant in the Test Identification Parade and get it ascertained that the present applicant is the person who represented himself as Dhananjay Puri which is not done by the investigating officer.

4. He submitted that as far as the statements of the witnesses are concerned, shows that one Dhananjay Puri has accepted the amount from them. But there is no material to show that it is the present applicant who has represented himself as Dhananjay Puri thus, there is no prima-facie material against the present applicant to connect him with the alleged offence. Now, the investigation is completed and

charge-sheet is filed, further incarceration of the applicant is not required.

5. Learned APP strongly opposed the present application on the ground that the statements of the witnesses and the recitals of the FIR shows that, it is the present applicant who represented himself as a Dhananjay Puri and obtained money for providing the job and duped the complainant. Thus, considering the prima-facie material against the present applicant, the bail application deserves to be rejected.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR. From the recitals of the FIR, it reveals that the informant came into contact with the co-accused Sudhakar Meshram. The amount was paid to Sudhakar Meshram by the complainant and his father, and it was the co-accused Sudhakar Meshram who took the complainant at Thermal Power Station, Khaparkheda wherein he met with one Dhananjay Puri. The statements of the relevant witnesses are also recorded but none of the statements disclosed that the present applicant is the person who projected himself as a Dhananjay Puri.

7. Thus, considering the material collected during the investigation against the present applicant, it appears that on suspicion, the present appellant is arrested. Now, the investigation is completed and charge-sheet is filed. Considering the nature of the evidence collected during the

investigation, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The criminal application No. 1085/2023 is allowed.
- b) The applicant -**Bhushan s/o Nandkishor Charde**, in connection with Crime No. 436/2023, registered with Police Station Bhadrawati, District Chandrapur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount,
- c) The applicant shall furnish his cellphone number (s) and address with address proof before the investigating officer.
- 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.]