



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

CRIMINAL APPLICATION (BA) NO.1143 OF 2023

Rohan s/o Madhukar Bhende

Vs.

State of Maharashtra, Through Police Station Officer, Gadge Nagar,
District Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. C. Jaltare, Advocate for applicant.

Mr. N. R. Rode, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/02/2024

1. The applicant came to be arrested on 23.03.2023 in connection with Crime No.364/2023 registered with Police Station, Gadge Nagar, Amravati, District Amravati for the offences punishable under Sections 406, 420, 467, 468, 469, 471, 506, 500, 501 read with Section 34 of the Indian Penal Code.

2. The accusation is against the present applicant is on the basis of report lodged by the informant alleging that for admission of his son in Lata Mangeshkar Medical College, Nagpur through institution quota, the complainant approached one family friend name as Leenatai Tayade where she stated that she is having good contacts and is politically connected and also introduced the name of the present applicant, who will help them to securing the seat at medical college. There was no previous

acquaintance of the informant with the present applicant. The present applicant has obtained the amount of Rs.25,00,000/- in cash which was delivered at her home and the said amount was paid to the present applicant. It is further alleged that on enquiry by the complainant in the college, he found that not the entire amount of Rs.1,33,50,000/- was paid to the college but present applicant has obtained amount on the name of the college and thereby duped him. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that it is not the case wherein the son of the complainant has not obtained the admission, but the complainant has paid the amount for admission in the institution quota, which is reserved. He further submitted that now, the investigation is completed and charge-sheet is filed. The investigating officer has collected the WhatsApp chat which also shows that there was no dishonest intention of the present applicant, but the amount was obtained by him only to pay to the college against the admission from the institution quota. No offence is in fact committed by the present applicant. Now, the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that there are criminal antecedents against the present applicant, as similar nature of the crimes are registered against him. During the course of the investigation, the statement of the witnesses are recorded which reveals the involvement of the present applicant in the alleged offence. The *modus operandi* of the present applicant is obtaining the money on the pretext of giving the admission. Thus, offence is in the nature of economic offence. Considering the gravity of the offence, the application deserves to be rejected.

5. Having the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. From the recitals of the FIR, it reveals that the complainant has paid the amount for admitting his son in a medical college in institution quota. The amount is paid to one Leena Tayade. Admittedly, it is not the case that after obtaining the money, the admission was not given to the son of the complainant. The communication through WhatsApp between the present applicant and the informant shows that the amount was paid against the admission. The applicant has clarified how much amount, he had paid to the institution. During investigation, the statement of the various witnesses are also recorded. Though offence is of economic nature, then also it is a case, wherein the son of the informant has received the admission. It appears

that for getting admission the said amount is paid by the informant also legally. Merely because, there are criminal antecedent are not sufficient to reject the bail application of the present applicant. Even the aspect of economic offence is considered by the Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation** reported in **2022 LiveLaw SC 577**, wherein by referring the judgment of **P. Chidambaram v. Directorate of Enforcement** reported in **(2020) 13 SCC 791** and **Sanjay Chandra v. CBI** reported in **(2012) 1 SCC 40**. The Hon'ble Apex Court has observed that we are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved, may jeopardise the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge-sheet is already filed before the Special Judge. Therefore, their presence in the custody may not be necessary for further investigation and the applicant was released on bail.

6. In the present case, also though the accused is charged with the economic offence huge amount is already involved, at the same time, the investigation is already completed charge-sheet is already filed. The applicant is behind bar since last one year, further incarceration of the present

applicant is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant **Rohan s/o Madhukar Bhende** be released on bail on executing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount, in connection with Crime No.364/2023 registered with Police Station, Gadge Nagar, Amravati, District Amravati for the offences punishable under Sections 406, 420, 467, 468, 469, 471, 506, 500, 501 read with Section 34 of the Indian Penal Code.
- (iii) The applicant shall attend the Police Station Gadge Nagar once in a month on 1st of every month and the Investigating Officer shall record his presence.
- (iv) The applicant shall not leave the jurisdiction of the Amravati District without prior permission of the Court.
- (v) The applicant shall furnish cell phone number and address with the address proof.
- (vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)