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21.aba.521 & 22.aba.522. & 23..aba.534.2024

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

CRIMINAL APPLICATION (ABA) NO.521 OF 2024

Suraj Rajkumar Ghorpade

Vs.

State of Maharashtra, Through Police Station Officer, Ram Nagar Police
Station, Wardha, District Wardha

AND

CRIMINAL APPLICATION (ABA) NO.522 OF 2024

Sonali Suraj Ghorpade

Vs.

State of Maharashtra, Through Police Station Officer, Ram Nagar Police
Station, Wardha, District Wardha

AND

CRIMINAL APPLICATION (ABA) NO.523 OF 2024

Dilip Suryabhan Ghorpade

Vs.

State of Maharashtra, Through Police Station Officer, Ram Nagar Police
Station, Wardha, District Wardha

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

Court's or Judge's orders

Ms. Sandhya N. Maniyar, Advocate and Ms. N. V. Vanallwar,
Advocate for applicants in all applications.

Mr. K. R. Lule, APP for respondent/State in all applications.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/08/2024

1. All these applications are for grant of pre-arrest bail in connection with Crime No.497/2024 registered with Police Station, Ram Nagar, District Wardha for the offences punishable under Section

406, 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. The applicants are apprehending arrest at the hands of police as the crime is registered on the basis of report lodged by Baburao Sampatrao Gaikwad on an allegation that he was acquainted with the applicant Suraj Rajkumar Ghorpade and others as they are his relatives. It is further alleged that in the month of April 2019, the applicants approached him at his house and informed him that if he paid Rs.5,00,000/-, his daughter can get a job in Ordnance Factory, Ambazari, Nagpur and obtained the blank cheque from him. The said cheque was deposited in the bank account of the co-accused Rajiv Reddy and the amount was withdrawn. It is further alleged that thereafter his daughter was called for medical examination and a forged appointment letter was also issued to her. Subsequently, it revealed that the appointment letter which was issued to his daughter is a forged one and he was duped by obtaining Rs.10,00,000/-. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicants submitted that as far as the allegations are concerned against the applicant Suraj Ghorpade is concerned, that he has obtained the amount and handed over to co-accused. Thus, except the acquaintance with the informant, there is no other

role played by the present applicants. She submitted that as far as the other co-accused are concerned, they are implicated merely because they are relatives of the Suraj Ghorpade. She further submitted that no specific role is attributed to the other two accused. As far as the custodial interrogation is concerned, which is not required. She also pointed out that in fact, the applicant Suraj Ghorpade himself is a victim at the hands of the co-accused Rajiv Reddy and he has also filed a complaint at the Police Station. Thus, considering the same, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said applications on the ground that not only the applicant Suraj Ghorpade has introduced the informant with the other co-accused, but he has obtained the amount and he has also received the amount in his account. The forged appointment letter was issued to the daughter of the informant. Thus, the applicants have taken disadvantage of the unemployment of the daughter of the informant and he was duped. The custodial interrogation is required to ascertain from which place they have got the said forged appointment letter and prayed for rejection of the applications.

5. After hearing the learned Counsel for the applicants and learned APP for the State. As far as the applicant in Criminal Application No.522/2024

Sonali Suraj Ghorpade and applicant Dilip Suryabhan Ghorpade in Criminal Application No.523/2024 are concerned, except their presence when the daughter of the informant was taken for the medical examination, no other allegations are made against them. There is a general allegation that they were present at the relevant time when the daughter of the informant was called for the medical examination.

6. As far as the applicant Suraj Ghorpade is concerned, there is a specific allegation that he introduced the informant with co-accused Rajiv Reddy. An amount of Rs.5,00,000/- was obtained by the applicant and thereafter, the said cheque was deposited in the account of Rajiv Reddy. It further reveals that the account of the present applicant Suraj Ghorpade is also used in the transaction. Thus, considering the *prima facie* case against the applicant Suraj Ghorpade, his prayer for grant of anticipatory bail deserves to be rejected. It appears that he has taken the disadvantage of the unemployment of the daughter of the informant and gave her a false promise and issued a forged appointment letter. Thus, considering the *prima facie* case, his prayer for grant of anticipatory bail deserves to be rejected.

7. As far as the applicant Sonali Suraj Ghorpade and Dilip Suryabhan Ghorpade are concerned, there is a general allegation against them that they were present when the daughter of the

informant was taken for the medical examination. Except this allegation, there is no allegation that they have either obtained amount or they are involved in forgery of the appointment letter. Thus, considering the role attributed to them, their application deserves to be allowed. In view of that, I proceed to pass following order:

ORDER

(i) The Criminal Application Nos.522/2024 and 523/2024 are allowed.

(ii) In the event of their arrest, the applicant in Criminal Application No.522/2024 **Sonali Suraj Ghorpade** and the applicant in Criminal Application No.523/2024 **Dilip Suryabhan Ghorpade** shall be released on anticipatory bail in connection with Crime No.497/2024 registered with Police Station, Ram Nagar, Wardha, District Wardha for the offences punishable under Section 406, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants namely Sonali Suraj Ghorpade and Dilip Suryabhan Ghorpade shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicants namely Sonali Suraj Ghorpade and Dilip Suryabhan Ghorpade shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(6)

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(v) The Criminal Application No.521/2024
filed by Suraj Rajkumar Ghorpade is hereby
rejected.

8. All the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

Sarkate