



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

CRIMINAL APPLICATION (ABA) NO.189 OF 2025

(Vijay s/o Namdeo Gawali Vs. State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.190 OF 2025

(Komal w/o Nilesh Gawali 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. M.V. Rai, Advocate for the applicants.
Mr. C.A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 15, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.33/2025 registered with Police Station Buldhana City, District Buldhana for the offence punishable under Sections 3(5), 316(2), 318(4), 336(3), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023, the applicants approached to this Court for grant of anticipatory bail.

2. The applicants are arraigned as an accused on the basis of the report lodged by Vishwanath Jagannath Gawhane on 09/01/2025 against the present applicants and other co-accused on an allegation that by promising them to give a job, the amount was demanded and accepted by the present applicants and the other co-accused and forged documents are prepared by them by giving the fake appointment letters. They have also used seals and stamps of the various Secretaries and Principal Secretaries of various departments of Mantralaya

and thereby duped the various unemployed youth by accepting the amount of Rs.1,96,67,000/-. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as both applicants are concerned they are not connected with the alleged offence. Entire allegations are levelled against the co-accused Nilesh Vijay Gawali. He further submitted that the transaction between the present applicants and the witnesses is of a money lending transactions and out of that money lending transactions, the applicants are arraigned as an accused. He further submitted that even considering the allegations as it is no *prima facie* case is made out against the present applicants. The applicant - Komal w/o Nilesh Gawali was not operating the said accounts. Thus, her involvement is not revealed. Only her name is mentioned, no specific role is attributed to her. He further submitted that as far as the other applicant - Vijay s/o Namdeo Gawali is concerned similarly no specific role is attributed to him also and entire allegations are levelled against the co-accused. They are also not involved in preparing the forged documents. In view of that, they both be protected by granting anticipatory bail.

4. Learned APP strongly opposed the applications and submitted that not only the amounts were accepted by the present applicants by promising

them to offer a job but they have prepared the forged signatures, obtained the seals of the various Secretaries, Principal Secretaries and forged it and by issuing the forged appointment letters duped 62-65 persons. Thus, considering the *prima facie* material against the present applicants and other co-accused the applications deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that the present applicants and the other co-accused are the family members. They visited the house of the informant and offered him a job on payment of some amount. The informant being an unemployed youth trusted the words of the present applicants and other co-accused and handed over the amount for obtaining the job. Similarly, various youths were contacted by the present applicants and the other co-accused, amounts were obtained from them on the promise of providing a job to them. The allegations further shows that they have not only obtained the money but they have also prepared the forged seals and signatures, used the letter pads of various Secretaries, Principal Secretaries, Desk officers and issued the appointment letters which are forged one to the various unemployed youth. Thus, it reveals from the investigation papers that by taking disadvantage of the unemployment of the various youths they were promised for providing a job and obtained the money. As far as the applicant – Komal is concerned the statements of the

witnesses specified her role as far as her involvement in the alleged incident is concerned. The investigation papers further shows that she has received some amount in her bank accounts i.e. Axis Bank and State Bank of India and she is operating the same. Thus, she is the beneficiary out of the said transactions. She has received the amount in her account and the investigation papers show that she is person who is operating the said account. Thus, several unemployed youth by taking disadvantage of their unemployment, money was obtained from their parents or from their relatives and forged appointment letters were issued to them and they were duped for Rs.1,97,67,000/-. Thus, the offence which is alleged against the present applicants is of a serious nature.

6. The considerations for anticipatory bail are different than the bail granted under Section 483 of the Bharatiya Nyaya Sanhita, 2023.

7. Considering the *prima facie* material against the present applicants, no case is made out for grant of anticipatory bail. In view of that, both the applications deserve to be rejected.

8. Hence, both the applications are hereby rejected.

(URMILA JOSHI-PHALKE, J.)