



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

CRIMINAL APPLICATION (ABA) NO. 253 OF 2025

Nitin Vidyanath Nathar and anr.

Vs.

State of Maharashtra, Thru. PSO, PS Yavatmal City, Dist. Yavatmal.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.S. Deshpande, Advocate for applicant.
Mr. Anant Ghongre, APP for respondent.

CORAM : SMT. URMILA JOSHI PHALKE, J.

DATE : 06.05.2025

Apprehending the arrest at the hands of police in connection with Crime No.560/2024 registered with Police Station Yavatmal City, Tq. & District – Yavatmal, for the offence punishable under Sections 420, 467, 468, 471 r/w Section 34 of the Indian Penal Code, the applicants approached to this Court for grant of pre-arrest bail.

2. As per the allegations, the applicant No.1 has posed himself to be a ‘Treasurer’ and applicant No.2 post himself as a ‘Secretary’ in the Yavatmal College for Leadership Training (YCLT). Initially, the complainant has filed the complaint, on which, no action was taken, therefore, he approached to the

Judicial Magistrate First Class, Yavatmal by filing application under Section 156(3) of the Code of Criminal Procedure. The learned Judicial Magistrate First Class, directed the Police Station, Yavatmal (City), to register a First Information Report against the accused persons. Accordingly, the present FIR has been lodged. As per the allegation in the First Information Report, the present applicants without having any authority on 13.08.2009 have taken Rs.2,50,000/- from the complainant and appointment letter to the post of 'PA' to the Director bearing signature and stamp impression of the present applicants assured the complainant that he would give Rs.10,000/- per month as a salary. Thereafter, complainant started working in the same College as 'PA' to the Director. Thereafter, for some days the applicant drawn the salary of Rs.3,000/- per month and from the year 2014, he was receiving Rs.6,000/- as salary per month. The present applicants were utilising the services of the complainant by giving him evasive answers and by making him monetary exploitation by paying him less salary and as well as he received the huge amount of Rs.5,00,000/- from him for the said amount. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel Mr. Deshpande, for the applicants, he submitted that initially also the applicants has filed a compliant application, which was investigated and report of the Investigating Officer placed on record, which shows that during investigation, no such allegations are substantiating and it was reported that in view of the allegations levelled by the present applicants in the year 2009, no offence is made out and therefore, no action was taken against the present applicants. Approximately, after 15 years this report came to be lodged against the present applicants. He also invited my attention towards various documents and submitted that the appointment letter shows he was appointed by the signature and seal of the Director by order dated 13.08.2009. He has also drawn the salary and the letter issued on 29.10.2014 also discloses about the work assigned to him and the liabilities under the post which he was occupied. During his tenure as a 'PA' to the Director, he has committed the misconduct and therefore, he is terminated. The termination notice was placed on record shows that allegation against him is that he has illegally occupied the guest house by obtaining the keys forcefully from the caretaker of the guest house. Thereafter, he unauthorised advertised in the Lokmat Newspaper.

His illegal activities are also noted in the premises of the school and by observing the same, he is terminated from the service. Thus, he submitted that as he is terminated from the service and therefore, application has filed before the learned Judicial Magistrate and the Judicial Magistrate has directed the Investigating Officer to register the crime and, therefore, the crime is registered. He submitted that as far as the allegations as to obtaining of the money is concerned, due investigation is already carried out and nothing revealed from the said investigation. Therefore, as far as the custodial interrogation of the present applicants is concerned, which is not required. He is ready to co-operate with the investigating agency. In view of that, he be released on bail in the event of his arrest.

4. Learned APP strongly opposed for the same and submitted that the allegation against the present applicants is that they have obtained the money for giving the job to the complainant and despite they have obtained money, no such job is given but on a meager amount, they have obtained the services of the present complainant, their custodial interrogation is required for the purpose of

the investigation. In view of that, application deserves to be rejected.

5. Learned counsel for the complainant has invited my attention towards the previous order passed by the Sessions Judge, and submitted that the applicants have not co-operated with the investigating agency. They have not attended the concerned police station and not co-operated with them. In view of that, their application deserves to be rejected.

6. After hearing both the sides and on perusal of the investigation papers, it reveals that, initially the complaint was filed by the complainant in the year 2009. The said complaint was investigated by the Investigating Officer and the letter issued by the Investigating Officer i.e. PSI, Police Station, Yavatmal City addressed to the Superintendent of Police, Yavatmal, shows that he has recorded various statement of the witnesses and it revealed to the during this statements that the allegations made by the present complainant in his complaint application are not substantiated by any of the witnesses. Thereafter, for approximately for 15 years no action is taken by the complainant as to the action against the present applicants and

subsequently, in the year 2024, he filed a complaint before the Magistrate under Section 156(3) of the Cr.P.C. and on the basis of the order passed by the Magistrate, this FIR came to be lodged. From the documents it also reveals that the appointment letter was issued to the complainant to work as a 'PA' to the Director. Thereafter, he served and was drawing a salary of Rs.17,690/-. The said letter addressed to the Director shows that salary of the complainant for the month of July 2014 was Rs.17,619/-. The list of the duties is also mentioned in the same letter. Thereafter, as the complainant has committed some misconducts and therefore, he is terminated from the service. Said termination order dated 10.03.2016 is also not challenged by him and subsequently, after approximately 8 to 9 years, this application before the Magistrate is filed. As far as the allegations are concerned, even taking into considerations that investigation is required to be carried out, as to the allegations, the custodial interrogation of the present applicants is not required. In view of that, the application for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass the following order : -

ORDER

- (a) The criminal application is allowed.
- (b) In the event of the arrest in Crime No.560/2024 registered with Police Station Yavatmal City, District – Yavatmal, for the offence punishable under Sections 420, 467, 468, 471 r/w Section 34 of the Indian Penal Code, the applicants **Nitin Vidyanath Nathar and Robert Vasantrao Gaikwad**, shall be released on ad-interim anticipatory bail on executing PR bond of Rs.25,000/- each with one surety in the like amount.
- (c) The applicant shall attend the concerned Police Station once in a week on every Tuesday between 10:00 a.m. between 1:00 p.m. till filing of the chargesheet. A single failure of the applicants to attend the concerned police station would lead to the cancellation of bail.
- (d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

7. The application is disposed of accordingly.

(SMT. URMILA JOSHI PHALKE, J)