



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

CRIMINAL APPLICATION (ABA) NO.628/2025

(Shri Mithun S/o Madhukar Gajbhiye Vs. State of Maharashtra)

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

Court's or Judge's orders

Mr. S.A. Dutonde, Advocate for the applicant.
Mr. C.A. Lokhande, A.P.P for the non-applicant/State.

CORAM: MRS.VRUSHALI V. JOSHI, J.

DATED: 19.9.2025.

The applicant is apprehending arrest in Crime No.573/2025 for the offence punishable under Sections 419, 420, 468 and 471 read with Section 34 of the Indian Penal Code.

2. It is alleged that the applicant forged the call letters, medical letters, joining letters and training letters and handed over to the informant - the complainant and other aspirants. The candidates came to know on reaching there posting stations that the documents are fake. It is alleged that the applicant duped the people for an amount of Rs.9,00,000/-.

3. The learned Advocate for the applicant stated that father of the applicant is working in W.C.L. at Saoner, Distt. Nagpur. The accused No.2 - Prakash Kumar Fago Prasad was also working in W.C.L. at Saoner. He came in contact with the applicant and told the applicant that he knew some highly posted officers in Railway Department who can provide him job in the Railway Department. On the pretext of providing him job in the Railway Department an amount of Rs.10,00,000/- was given by the applicant to said person. The applicant was called for medical examination during the period from

22.8.2019 to 24.8.2019 at Railway Hospital, Eastern Railway. He had thereafter received an amount of Rs.11,000/- in cash as a payment and said accused No.2 provided payment slip. The applicant himself is the victim of said crime. He has paid the amount for his wife, his brother-in-law and cousin brothers. Therefore, he has filed a Writ Petition (Cri.) No.179/2023 in the High Court of Jharkhand at Ranchi. Hence, prayed to protect the applicant by granting anticipatory bail.

4. Learned A.P.P. opposed the application. He has given a chart showing that 12 persons have deposited the amount for said job. Though the notices were issued on 3.1.2025 and 9.1.2025 the applicant has not appeared before the police. He is absconding since the registration of crime. Considering the nature of offence, prayed to reject the application.

5. The applicant was heard on 11.9.2025. Thereafter on disinclination being shown by this Court, the learned Advocate for the applicant had requested to keep the matter for taking instructions as to whether the applicant wants to withdraw it. Then when matter was listed on 15.9.2025, the same request was made. Today also when the matter was listed, the applicant has stated that he is not willing to withdraw the application and has stated that there is no compliance of Section 41-A of the Code of Criminal Procedure and requested to take note of it.

6. Heard both sides and perused the record.

7. On the basis of non-compliance of Section 41-A of Cr.P.C. the learned Advocate for the applicant tried to argue the matter again but on perusal of reply it appears that on 3.1.2025 and 9.1.2025 the

notices were served to the applicant but he has not appeared before the police. The applicant has duped many people by giving assurance of government job. Though he has stated that he himself is the victim, he has collected an amount of Rs.17,00,000/- from 12 persons and issued forged documents like appointment letters, medical certificates and even pay slip is also issued to the first informant. Considering the nature of allegations against the applicant, the custodial interrogation of this applicant is necessary. Hence, the application is rejected.

(MRS. VRUSHALI V. JOSHI, J.)