Order below Exh.1
in Cri. Bail Application No.266/2022.
(Rambhau Ashok Jadhav Vs State)

The present bail application is moved by the applicant-accused Rambhau Ashok Jadhav under section 438 of the Criminal Procedure Code, for grant of anticipatory bail in connection with CR No.58/2022 registered with Sinnar Police Station for the offence under section 420 r.w.s.34 of the Indian Penal Code (hereinafter referred to as "IPC" for short), in the event of arrest in connection with above referred crime.

2. It is stated in the application that the applicant-accused is resident of Borkhind, Post-Shivade, Tal. Sinnar, Dist. Nashik. His antecedents are clean. He has not committed any offence as alleged in the FIR. He is ready to abide any condition laid down by this court, these and other grounds set out in the application, prayed to allow the application.

3. The application is strongly opposed by the State by filing report and submitted that applicant-accused alongwith one absconding accused Pradip Anna More have cheated the first informant on promise that they will make necessary arrangement for his employment with Bombay Municipal Corporation (hereinafter referred to as "BMC" for short) and from time to time had taken an amount of Rs.2,40,000/-. The said amount is to be recovered from the accused and modus operandi of the accused is to be traced out.

4. Perused record. Heard both parties.

5. The learned counsel Shri. A.P. Gangavane has submitted that this applicant-accused once Rs.10,000/- received as a advance or

loan from the first informant on phone-pay and the same is refunded to him and the first informant had taken undue advantage of the same and falsely implicated him in present case. He further submitted that applicant-accused is at present employed with BMC as a driver and if the applicant-accused is arrested by the police, it will adversely affect his employment and therefore, he prayed for anticipatory bail.

6. On the other hand, learned APP Shri. Suryavanshi pointed out that there is no whisper in the application that, applicant-accused is working as driver in BMC, his employment is shown in the caption of the application as 'agriculturist and business' this itself falsifies the case of the applicant-accused. It is also pointed out that amount is paid by the first informant to the applicant-accused and therefore, there is prima-facie case against him and hence, prayed to reject the application.

7. I.O. is present. He submitted that investigation is at initial stage, however, as accused are absconding there is hurdle in investigation.

8. I have gone through the entire record, it appears that applicant-accused alongwith another absconded accused gave false promise for an employment in BMC and extracted an amount of Rs.2,40,000/- from the first informant. There is prima-facie case against the applicant-accused. Therefore, I.O. is required to be given sufficient opportunity to interrogate the applicant-accused and to trace out the exact transaction involved in the crime. The custodial interrogation of the applicant-accused is essential with I.O. and therefore, application is devoid of merit. Hence, following order is passed.

O R D E R

1) Anticipatory Bail Application No.266/2022 is hereby rejected.

2) Inform the concerned police station accordingly.

SHINDE MADHAV A

Digitally signed by SHINDE MADHAV A
Date: 2022.03.07 17:53:09 +0530

(M. A. Shinde)

Date-07.03.2022

Additional Sessions Judge-8,
Nashik.