RCC No. 112/2024
State Vs. Mallikarjun Patil + 5
CNR NO.MHYA-1900-1114-2024

COMMON ORDER BELOW EXH.45 & 46

1. Application at Exh.45 is filed by accused No.3 namely Arvind Madhavrao Mohadikar and application at Exh. 46 is filed by accused No.2 Anurag Surendra Chavhan seeking regular bail in connection with C.R. No. 285/2024 registered with Ralegaon Police Station for the offence punishable u/Section 420, 465, 468, 471 r/w 34 of I.P.C, on the ground of change in circumstances.

2. It is contention of both accused that, accused No.3 is arrested on 08.08.2024 and accused No.2 is arrested on 07.08.2024 in connection with above crime and since last more than two months they are in judicial custody. It is further submitted that, Ralegaon Police has registered F.I.R against accused for the offences punishable under Section 420, 465, 468, 471 r/w. 34 of IPC, but the name of accused No.3 is not in F.I.R. During investigation, the investigating officer falsely involved accused No.3 in the present crime. It is further submitted that, there is no direct evidence against accused No.3 nor any valuable property is recovered from him. It is contended that, accused No.3 is falsely implicated in the present crime.

3. It is further contended that, there is no prima-facie case made out against present applicants i.e. accused No.2 and 3. It is further contended that, as charge-sheet is filed therefore, custody of the both applicants does not require for any purpose. It is contended that, the trial may get considerable time for disposal of case, in such circumstances, keeping accused in jail, it would be caused injustice on them. It is further contended that, accused No.2 and 3 are only bread earning members of their family. Their old parents and family members totally depend on them. It is further contended that, resident of both accused is at Nagpur and that of informant is at Ralegaon, therefore, question of tampering of prosecution witnesses doesn't arise. It is contended that, both accused are ready

to abide the conditions which may be imposed on them while granting bail. As charge-sheet is filed hence, on the ground of change in circumstances and other grounds mentioned above, both accused prayed to release them on regular bail.

4. I have called say of A.P.P and I.O. Learned A.P.P resisted both applications by filling her say on overleaf of applications itself. Learned A.P.P. also filed pursis at Exh.55 stating to consider say and written notes of argument filed at Exh-41 to present applications.

5. It appears that, chargesheet is filed on 3.10.2024 and on 7.10.2024 present applicants had filed bail application at Exh-38 on similar ground, however that application was withdrawn by applicants/accused No. 2 and 3. To that application Learned A.P.P had filed say at Exh- 41 and I.O had filed say at Exh-40. As already say of I.O is on record, hence to avoid delay I have considered say filed by I.O at Exh-40 to present applications.

6. It is submitted by learned A.P.P that, complainant namely Parag Dilip Manakar lodged report against accused No. 1 to 6 vide Cr. No. 285/2024 for above offences alleging that, all the accused persons in furtherance of their common intention cheated the informant by making false documents and fake appointment letter with intent to commit fraud and accordingly they taken the huge amount from informant. It is further submitted that, during investigation accused No. 1 to 6 arrested, they interrogated and thereafter they remanded to judicial custody. It is further submitted that, during investigation, fake appointment letters in the name of different persons in connection with employment of Hon'ble High Court and other different departments are recovered from accused. It is also submitted that, accused have also used Raj Mudra while making fake appointment letter.

7. It is further submitted that on completion of investigation, charge sheet came to be filed under Section 420, 465, 468,471,473 r/w 34 of I.P.C against all accused including both applicants/accused No. 2 and 3. It is stated that, offences leveled against present accused are punishable with 7 year's

imprisonment, they are non-bailable and non-compoundable. Specific role of both accused is also shown in the charge-sheet. It is submitted that, allegations of cheating and forgery leveled against all accused including present accused are very serious in nature. It is further submitted that, material witnesses yet to be examined by the prosecution and in such circumstances if accused released on bail then they will pressurize the material witnesses. Hence, on above grounds learned A.P.P prayed to reject both bail applications.

8. Investigating Officer resisted the bail applications alleging that, accused No. 1 to 6 in furtherance of their common intention gave false assurance to complainant that they will clear his result and on relying their false assurance informant gave various amount to the accused. It is stated that, accused gave fake appointment order to the informant. It is stated that, offences of cheating and forgery are committed by all accused. It is stated that, during investigation 149 fake orders of different departments were found in the compute of accused. It is stated that charges levelled against all accused are well founded. The charges of cheating and forgery is very serious in nature. It is stated that, absconded accused namely Kishor Athave is yet to arrest. It is further stated that, if accused released on bail then they will pressurize material witnesses. On theses grounds I.O prayed to reject bail applications.

9. Read both applications and say of A.P.P and I.O. Perused the record of the case. Heard Learned advocate Shri R.B Jadhav for both accused and Learned A.P.P.

10. It seems from record that there is allegation that accused alleged to have committed offences punishable under Section 420, 465, 468, 471, 473 r/w 34 of IPC. The Case is registered as Cr. No. 285/2024 by Police Station Ralegaon. It was allegation of informant namely Parag Mankar that, in January 2024 he had appeared for examination of PWD for post of assistant engineer and his name was published in waiting list. Mean time he met with accused no. 1 Mallikarjun Patil, accuse no. 5 Pravin Handrale and accused no. 6 Pankaj Handrale who

assured him to clear his result and give appointment order. In consideration of that, they demanded Rs.21 lakh from informant. On having faith towards the word of above accused, informant gave amount of Rs.18,00,000/- time to time to above accused. It is further allegation of informant that, above accused gave him appointment order and he along with above accused came at civil line office of P.W.D department, Nagpur to join on work. In that office he met with accused no. 2 Anurag Chauhan and one Yogesh. They told informant that "your work is done and pay the remaining amount". On the behest of above accused informant paid remaining amount to accused no. 1 namely Mallikarjun Patil. Thereafter, informant found that appointment order given by above accused is fake and accused cheated him by giving false assurance to clear his result and thereby induces him to pay above amount. That is how the informant came to be cheated to the extent of Rs.18 lakh.

11. After registration of offence, the accused no.1 namely Mallikarjun Patil came to be arrested on 6.8.2024. During course of investigation, he confessed that informant deposited Rs. 10 Lakh in his bank account and out of that he transferred Rs. 5 Lakh in to the account of one Kishore Athave. It seems from say of I.O that accused Kishore Athave is yet to arrest.

12. Further, during investigation it is found that, out of said amount of Rs. 5 Lakh, absconded accused namely Kishor Athave transferred Rs. 4 Lakh in the bank account of accused no. 2 namely Anurag Chavan. Further, it is found that, out of that amount, accused no. 2 Anurag Chavan transferred amount of Rs. 1 Lakh in the bank account of accused no. 3 namely Arvind Mohadikar for preparation of fake appointment order. It is also found that, accused no.4 prepared fake order in his computer with the help of and at the behest of accused no.3 Arvind Mohadikar and accused no.2 Arvind Chavan. It is also found that, accused no.3 falsely told to informant that his name is "Yogesh" and falsely represent himself to be senior officer in P.W.D and gave fake order to informant and make him appear for work.

13. It is argued on behalf of applicants/present accused that no direct involved of present accused in the offence have been seen and no specific role attributed in final report. The allegation against present accused is baseless. It is further argued that, as investigation is completed in such circumstances no purpose will be served by keeping accused behind bar. It is further argued that, filling of charge sheet is change in circumstances and hence accused are entitled to be released on bail.

14. It is to be noted that in the present case investigation is completed and charge sheet came to be filed for the offences punishable under Section 420, 465, 468, 471, 473 r/w 34 of I.P.C. It is to be noted that, though filling of charge sheet is change in circumstances, however, that itself is no ground or reason to release the accused on bail but merit of both applications is required to see.

15. It seems from record that, during investigation accused no.1 was arrested on 6.8.2024, accused no.2 was arrested on 7.8.2024, accused no. 3 was arrested on 8.8.2024, accused no. 4 was arrested on 9.8.2024 and accused no. 5 and 6 are arrested on 12.8.2024 by police, they are interrogated and remanded to judicial custody and till date all accused in judicial custody.

16. It seems that the investigation officer during investigation seized computer from possession of accused no. 4 namely Rahul Rangaria which was used by him for preparation of fake appointment order of informant and in said seized computer there were 149 fake appointment orders found in connection of different departments including the order of court orderly of department of Bombay High Court, Dist. Nagpur.

17. It is to be noted that, serious offences such as forgery, cheating and fabrication of documents are levelled against all accused including present applicants along with absconded accused namely Kishor Athave and thereby present charge-Sheet came to be filed against all accused for the offences punishable under section 420, 465, 468, 471, 472 r/w 34 of I.P.C. As discussed above as per final report, informant in consideration of assurances of accused

deposited Rs. 10 Lakh in bank account of accused No.1 and out of that amount accused No.1 has transferred Rs. 5 Lakh in to the account of absconded accused namely Kishore Athave. Further, it found that, out of said amount of Rs. 5 Lakh, absconded accused namely Kishor Athave has transferred Rs. 4 Lakh in the bank account of accused no. 2 namely Anurag Chavan and accused No.2 out of that amount transferred Rs. 1 Lakh in the bank account of accused no. 3 namely Arvind Mohadikar for preparation of fake appointment order. It is also found that, accused no.4 prepared fake order in his computer with the help of and at the behest of accused no.3 Arvind Mohadikar and accused no.2 Arvind Chavan. It is also found that, accused no.3 falsely told to informant that his name is "Yogesh" and falsely represent himself to be senior officer in PWD and gave fake order to informant and make him appear for work.

18. Specific and major role is attributed against both accused. Charges of cheating and forgery leveled against accused are very serious in nature. It is to be noted that, no material witnesses examined as trial is yet to commence. Therefore, in such circumstances if present accused are released on bail, then possibility of pressurizing informant and other material witnesses by applicants/accused cannot be ruled out. Further, it appears that, residence of both accused is at Nagpur. Their residence is not within jurisdiction of this court. In such circumstances, possibility that they will abscond cannot not be ruled out. Therefore, considering the seriousness and gravity of offence along with above circumstances, at least at this stage accused are not entitled for bail. Resultantly, I pass the following order.

<u>O R D E R</u>

Applications at Exh.45 and 46 are rejected.

KULKARNI DATTATRAYA RAMESH

Digitally signed by KULKARNI DATTATRAYA RAMESH
Date: 2024.10.25 17:44:59 +0530

Dated:- 25.10.2024
Place:- Ralegaon.

(D.R. Kulkarni)
Judicial Magistrate F.C.
(Court No.02), Ralegaon.