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

ORDER BELOW EXH.49

1. This application is filed by accused no.1 namely Mallikarjun Bapurao Patil 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. I have called say of A.P.P and I.O. Learned A.P.P resisted application by filling her say on overleaf of application itself.

3. It appears that, chargesheet is filed on 03.10.2024 and on 05.10.2024 present applicant/accused no.1 had filed bail application at Exh-33 on similar grounds, however that application was not pressed by applicants/accused No.1. To that application 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 application.

4. 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.

5. 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 applicant/accused No.1. It is submitted that, offences leveled against present accused are punishable with 7 year's imprisonment, they are non-bailable and non-compoundable. Specific role of accused is also shown in the charge-sheet. It is submitted that, allegations of cheating and forgery leveled against 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 bail application of present accused.

6. Investigating Officer resisted the bail application 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 computer 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 application.

7. Read application and say of A.P.P and I.O. Perused the record of the case. Heard Learned advocate Shri. L. S. Deshmukh for accused no.1 and Learned A.P.P.

8. It seems from record that there is allegation that accused 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 present applicant/accused no.1 Mallikarjun Patil, accused 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, above accused 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 them. 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 present applicant/accused no.1 namely Mallikarjun Patil. Thereafter, informant found that appointment order given by accused no.1 Mallikarjun Patil 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.

9. After registration of offence, the accused no.1 namely Mallikarjun Patil came to be arrested on 06.08.2024. 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.

10. 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 and 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.

11. It is argued on behalf of applicants/present accused that no direct involvement 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 argued that, nothing remained to be recovered at the instances of the accused. 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, accused no.6 namely Pankaj Handrale got bail on 26.11.2024 from Hon'ble Session Court, Yavatmal. It is further submitted that, accused no.1 is suffering from Liver diseases and also suffering from B.P. and sugar. It is further argued that, filling of charge sheet is change in circumstances and hence, on the above grounds accused is entitled to be released on bail.

12. 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 application is required to see.

13. It seems from record that, during investigation accused no.1 was arrested on 06.8.2024, he is interrogated and remanded to judicial custody and till date present accused no.1 in judicial custody. During course of investigation, it was found that informant deposited Rs.10,00,000/- in the bank account of present applicant/accused no.1 and out of that, amount he transferred Rs.5,00,000/- to the account of one Kishor Athave. It reveals from final report that, accused Kishor Athave is yet not arrested as he has absconded. Further, during investigation it is 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 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.

14. It is to be noted that, serious offences such as forgery, cheating and fabrication of documents are levelled against applicant/accused no.1 alongwith other accused and thereby present charge-Sheet came to be filed against all accused for the offences punishable under section 420, 465, 468, 471, 473 r/w 34 of I.P.C. As discussed above as per final report, informant

in consideration of assurances of present applicant/accused no.1 deposited Rs.10 lakh in his bank account and gave Rs.5 lakh in cash to him. It seems that, for preparation of fake appointment order accused no.1 had transferred Rs.5 lakh to absconded accused Kishor 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.

15. Specific and major role is attributed against accused no.1. charges of cheating and forgery leveled against accused is very serious in nature. It is to be noted that, 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 applicant/accused no.1 cannot be ruled out. Further, it appears that, residence of accused no.1 is at Pune. His residence is not within jurisdiction of this court. In such circumstances, possibility that he will abscond cannot not be ruled out.

16. Ld. Advocate for the accused also argued that, present accused is suffering from liver disease and hence, on medical ground he is entitled to be released on bail. It is to be noted that, there is no medical record filed by accused suggestive that, present accused is seek or inform. Therefore, on that ground he is not entitled to get bail.

17. Ld. Advocate for the accused also argued that, bail application bearing Cri.Bail.Appl.No.929/2024 filed by accused no.6 namely Pankaj Handrale before Hon’ble Session Court, Yavatmal is allowed. Therefore,

present accused is also entitled to be released on bail. It is to be noted that, order of Hon'ble Session Court, Yavatmal is not filed on record by accused no.1. Though accused no.6 got bail from Hon'ble Session Court but that itself is not ground to release present accused on bail, because specific and major role is attributed against present accused. 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.

ORDER

Applications at Exh.49 is rejected.

KULKARNI DATTATRAYA RAMESH

Digitally signed by KULKARNI DATTATRAYA RAMESH
Date: 2024.11.28 16:32:24 +0530

Dated:- 27.11.2024 (D.R. Kulkarni)
Place:- Ralegaon. Judicial Magistrate F.C.
(Court No.02), Ralegaon.