

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

Criminal Application [ABA] No.648 of 2013

(Piyush Vinod Parashar vs. State of Maharashtra)

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

Court's or Judge's Orders.

Mr. S.R. Deshpande, Counsel for the Applicant.

Ms. N.P. Mehta, A.P.P. for the Non-Applicant/State.

CORAM : PRASANNA B. VARALE, J.
DATE : DECEMBER 21, 2013.

Heard.

This application is moved by the applicant on the ground that there is change in circumstance.

This Court had an occasion to consider application of the present applicant for the similar relief i.e. seeking protection in the nature of pre-arrest bail. The applicant was before this Court vide Criminal Application No.481/2013. The said application was rejected by this Court on 24/10/2013 by a detailed order referring to the documents and the other material presented before this Court.

Mr. Deshpande, learned Counsel for the applicant submits that there is change in the circumstances. Mr. Deshpande further submits that the dispute between the complainant and the applicant is purely of a civil nature. Mr. Deshpande further submits that the contract between the parties was subjected to International Law i.e. Singapore Law.

Mr. Deshpande then submits that the money transaction also took place out side India. Mr. Deshpande, therefore, submits that the complainant ought to have placed all these documents.

I am unable to accept the submission of Mr. Deshpande for more than one reason. It is now settled position of law that when the complaint is filed by the complainant, the investigating agency sets in motion. It is also the settled position of law that the F.I.R. is not an encyclopedia. The investigating agency is set in motion on receiving the report and in the process of investigation it may collect various material to reach to a conclusion and unearth any link including, missing links, if any, are there. The agency in its process of investigation may explore the various possibilities. The investigation is the complete domain of the investigating agency. In these circumstances, the attempt on behalf of the applicant to approach this Court under the guise of change in circumstances hardly within a short span of two months on the backdrop of the fact that this Court had earlier considered the entire material and was not inclined to grant any protection to the applicant, is certainly not appreciable. The application thus being devoid of merits deserves to be rejected on the threshold and accordingly the same is rejected.

JUDGE

**sdw*