

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

Criminal Application [ABA] No.43 of 2015

(Rupali w/o Virendra Nasare and another

vs.

The State of Maharashtra, through P.S.O. Narkhed, District Nagpur)

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

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Court's or Judge's Orders

CORAM : PRASANNA B. VARALE, J.

DATE : MARCH 3, 2015.

Heard Mr. P.D. Randive, the learned Counsel for the applicants.

The applicants are before this Court seeking protection in the nature of pre-arrest bail apprehending their arrests in connection with Crime No.148/2014, registered at Police Station Narkhed, District Nagpur for the offences punishable under Sections 408, 419 and 420 of the Indian Penal Code.

This Court on 4th of February, 2015, while issuing notice, protected the applicants. Perused the report lodged against the applicants at the instance of one Rahul Nasare. The informant/complainant-Rahul is the cousin of accused no.1-Virendra Nasare. The sum and substance of the report is, the accused no.1-Virendra, who was an employee in the company being run by mother of the informant viz. Sau. Jayashree Nasare

under the name and style as “Crop Science Biotech Firm”, conducted interviews of needy young boys and gave assurance of the employment to them. Virendra, keeping the other persons of the company including the informant and other directors in dark, started managing affairs of the company as if he was the sole proprietor of the company. The allegation is, Virendra opened an account in the name of the applicants. The applicant no.1 is the wife of accused no.1-Virendra Nasare and applicant no.2 is the sister-in-law of accused no.1. Further allegation is, Virendra in connivance with other accused collected handsome amount from 60 to 70 young boys and certain forged documents were presented in the company. The report then states about the threats extended by Virendra and other accused, whenever the boys attended for return of the amount.

The learned Counsel for the applicants submits that the only allegation against the applicants is of accounts were opened in their names and certain amounts were deposited in these accounts. The learned Counsel for the applicants further submits that even assuming the report as it is, though not admitting the same, the report nowhere reflects of any role played by the applicants either in misrepresenting the young boys for employment or submitting any forged or fabricated documents to the company. The learned Counsel then submits that the applicants being ladies and are involved in household

activities, there cannot be any apprehension that they would be in a position to pressurize the witnesses or would flee away. The learned Counsel thus submits that the applicants are ready to cooperate the investigating agency as and when called upon, and for this purpose, the custodial interrogation of the applicants is not required.

Mr. R.S. Nayak, the learned A.P.P. opposes the application.

Perused the reply filed by the State. The reply reiterates the contents of the report. In the reply, the application is opposed on the ground that the main accused-Virendra played mischief and also presented himself as a director of company. The reply reveals that certain letters were issued to the employees of the company under the signature of accused-Virendra and the applicants.

Considering the reply filed by the State and the material presented with the application, the role alleged to be played by these applicants is only of having their accounts and some amount deposited in these accounts. The material falls short to indicate any active role played by the applicants. There is merit in the submission of the learned Counsel for the applicants that for the investigation of the said crime, the custodial interrogation of the applicants would not be necessary. The learned Counsel for the applicant has made out a case.

In the result, the application is allowed. Interim protection granted to the applicants is confirmed with a condition that the applicants shall attend Police Station Narkhed, District Nagpur on every second and forth Sunday of the month from 09:00 a.m. to 12:00 p.m. and maintain diary of their attendance duly countersigned by the Police Station Officer or the Investigating Officer, till filing of the charge-sheet.

The application is disposed of as such.

JUDGE

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