

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

Criminal Application [ABA] No.68 of 2015

(Hanumant @ Harish Kesharao Raut

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 5, 2015.

Heard Mr. R.M. Daga, the learned Counsel for the applicant.

The learned Counsel, by inviting my attention to the *ad interim* order passed by this Court while issuing notice, submits that the allegations against the applicant are in respect of submitting some false bills. He further submits that the applicant, who was protected by an *ad interim* order, complied with the directions of this Court and extended his co-operation to the investigating agency. He then submits that the texture and tenor of the allegations in the report lodged at the instance of Rahul Nasare are about the mischief and the active role played by his cousin Virendra. The learned Counsel submits that there is nothing either in the report or the other material collected by the investigating agency to show that the applicant was an actual recipient of any amount at any point of time. He

submits that the applicant is ready to co-operate the investigating agency and as such there is no need of any custodial interrogation of the applicant.

Mr. R.S. Nayak, the learned A.P.P. vehemently opposes the application. The learned A.P.P. submits that Virendra Nasare, who is the key player, was behind the mischief for the loathsome of amount. He then submits that the applicant, who was entitled to receive amount only for the articles supplied to M/s, Crop Science Bio-Tech Company Pvt. Ltd., was receiving the amount for the company viz. Roshni Care and the bills were prepared for the said company i.e. Roshini Care. He further submits that as the investigating agency is in the process of collection of the material, the custodial interrogation of the applicant is must and necessary.

The learned A.P.P. made available the material collected by the investigating agency. I have gone through the material collected by the it.

Though various statements were recorded by the investigating agency and though the learned A.P.P. on the basis of supplementary statement recorded by the agency of the complainant-Rahul Nasare made an attempt to oppose the application, on perusal of the statement of Rahul, it only gives a vague reference of a work assigned to the applicant of a design upon the company material. The statement then refers that

against that work, cheques were issued to the applicant. Though it is stated in the supplementary statement that the applicant was responsible for preparation of some fabricated bills and causing loss to the company, in the next breath, it is stated by the complainant that the amount was directed to be deposited in the account of brother of the applicant at the instance of Virendra. Thus, this material has rightly nowhere led to even a elementary or positive role played by the applicant. In that view of the matter, I am of the opinion that the learned Counsel for the applicant has made out a case. The apprehension of the State can be taken care of by imposing certain conditions.

In the result, the application is allowed and the interim order passed by this Court dated 11/02/2015 is confirmed with a condition that the applicant to attend Narkhed Police Station, District Nagpur on every Sunday from 09:00 a.m. to 12:00 p.m. till filing of the charge-sheet and maintain a diary of his attendance duly countersigned by the Investigating Officer or Police Station Officer.

The application is disposed of accordingly.

JUDGE

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