

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

CRI. APPLICATION (ABA) NO. 23 OF 2017

(AKASH VASANTRAO BHAKRE & ANR...VS.. STATE OF MAH. THR. P.S.O. KHADAN, AKOLA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D.Chopde, Advocate for Applicants.
Shri V.A.Thakare, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 28, 2017.

Heard.

The applicants (husband and wife), apprehending arrest in crime registered against them for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, have sought pre-arrest bail. The crime is registered on the complaint lodged by Vishal Bhaskarrao Wankhede that the applicants, with dishonest intention, induced two of his friends to part with an amount of Rs.5,94,500/- assuring them to secure job for them.

According to the Investigating Agency, the accused returned the amount of Rs.45,100/- and had issued cheque for Rs.1,70,000/- which is dishonoured.

This Court has granted interim protection to the applicants by the order passed on 12th January, 2017 when the matter was listed on 14th June, 2017. After arguing for some time, the learned advocate for the applicants had stated that the applicants will deposit Rs.2,00,000/- with the

Registry of this Court to show their bonafides. The matter was adjourned, recording the statement made on behalf of the applicants. Today, it is submitted on behalf of the applicants that they are not in a position to deposit the amount.

The application is opposed on the ground that there is ample material which *prima-facie* shows commission of offence by the applicants. According to the Investigating Agency, the accused No.3 (real brother of accused No.1-Akash) is absconding and custodial interrogation of the applicants is necessary for further investigation.

Though the applicant No.2 is woman aged about 26 years, in the facts of the case, I am not inclined to grant the prayer made in the application. The application is **dismissed**.

As the applicants have enjoyed the interim protection granted by this Court by the order passed on 12th January, 2017 they are directed to surrender within one week, failing which note of their conduct be taken at all stages of the proceedings.

JUDGE