

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

CRIMINAL APPLICATION (ABA) NO.149 OF 2017
(Sunita w/o Lokesh Jain and another vs. State of Maharashtra)

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

Shri D.V Chauhan, Advocate for applicants.
Shri A.V. Palshikar, Additional Public Prosecutor for
respondent.
Shri A.M. Ghare, Advocate for intervener.

CORAM : P.N. DESHMUKH, J.
DATED : MARCH 22, 2017

Heard Shri Chauhan, learned Counsel for
applicants, Shri Palshikar, learned Additional Public
Prosecutor for respondent and Shri Ghare, learned
Counsel for intervener.

Admittedly, compliance of order dated
9/3/2017 passed by this Court is done by applicants by
depositing amount of Rs.3,60,000/- by a consolidated
Demand Draft in Registry of this Court.

Applicants have approached this Court
seeking protection from arrest in Crime No.343/2016
registered by Police Station, Ramdaspath, Akola for the
offences punishable under Sections 406 and 420 read
with Section 34 of Indian Penal Code.

Perusal of the report reveals that same came
to be lodged by complainant contending that applicants
are running a Travel Company and complainant in
March 2015 had requested them to book tickets, visa,
etc. and for that purpose, made payment of
Rs.3,60,000/-. However, for some reason, tour could not

be materialised and amount was refused to be refunded back and, therefore, report is lodged and as aforesaid, offences came to be registered.

This Court while granting interim protection to applicants, issued direction to applicants to deposit Rs.3,60,000/-, which also included amount of Rs.1,20,000/-, which was stated to be refunded by applicants to complainant. However, since complainant disputed that aspect, applicants without prejudice to their rights, have deposited said amount along with Rs.2,40,000/-. Thus, total amount deposited by applicants comes to Rs.3,60,000/-.

Shri Palshikar, learned Additional Public Prosecutor submits that investigation is in progress.

Having considering facts involved in the case and since amount referred above is secured and lying in Registry of this Court, interim order needs to be confirmed. Hence, following order :

Interim order dated 6/3/2017 passed by this Court stands confirmed on the same terms and conditions with further direction to applicants to attend Investigation Officer, if called, till filing of charge-sheet.

Registry of this Court shall invest amount deposited by applicants in a fixed deposit with any nationalised Bank for a considerable period.

The criminal application is accordingly allowed.

JUDGE

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