

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

CRI. APPLICATION (ABA) NO. 115 OF 2017

(PRAVIN GAJANAN INGALE...VS.. STATE OF MAH. THR. P.S.O. KHAMGAON CITY, DIST. BULDANA)

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

Court's or Judge's orders

Shri S.V.Sirpurkar, Advocate for Applicant.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 19, 2017.

Heard.

The applicant, apprehending arrest in crime registered against him and another accused for the offence punishable under Section 409 read with Section 34 of the Indian Penal Code, has sought pre-arrest bail. According to the Investigating Agency, both the accused who were posted by ADD Technologies (I) Ltd. to collect amount from the customers of MSEDCL and to deposit that amount in the account of MSEDCL in the bank on the next day, failed to discharge the duty and in a calculated manner deposited the amount in the account of MSEDCL after few days because of which M/s. ADD Technologies (I) Ltd. is required to pay an amount of Rs.5,91,152/- towards interest to MSEDCL as per the agreement. It is alleged that ADD Technologies (I) Ltd. is put to loss because of the misappropriation of the amount by the accused.

The applicant is granted protection by order passed by this Court on 24th February, 2017 imposing

condition that the applicant shall attend Police Station for one week from 28th February, 2017. In paragraph 13 of the additional affidavit filed on behalf of the non-applicant on 20th March, 2017 it is stated that the applicant attended the Police Station only once to produce the order and thereafter has not attended the Police Station and has not co-operated with the Investigating Agency. The copy of this reply is received on behalf of the applicant on 20th March, 2017. There is no counter affidavit on behalf of the applicant. Apart from this, the learned A.P.P. has pointed out that another crime is registered against the applicant regarding which there is no averment in the application filed by the applicant. The learned advocate for the applicant has submitted that other crime is for the offence punishable under Section 279 of the Indian Penal Code and registration of that crime is not relevant while considering the present application.

This application is listed alongwith Criminal Application (ABA) No. 813 of 2016 filed by co-accused. I have allowed the application filed by the co-accused, however, considering the facts of the case and the conduct of the applicant in not abiding by the conditions imposed by this Court while granting the interim protection by order dated 24th February, 2017 and suppressing the fact that another crime is registered against him, the application is **dismissed**.

JUDGE