

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

CRIMINAL APPLICATION (APPP) NO.373/2017

IN

CRIMINAL APPLICATION (ABA) NO.555/2016

Shri Ramesh S/o Chudaman Zodape

..Vs..

State of Maharashtra, through Police Station Officer, Police Station
Gittikhadan, Nagpur

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

Court's or Judge's orders

Shri Y.D. Shukla, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.
Shri A.S. Ambatkar, Adv. h/f Shri P.R. Agrawal, Adv. for the applicant in
Crim. Appln. (APPP) No.337/2017.

CORAM : Z.A.HAQ, J.

DATE : 21.6.2017.

Considering the facts of the case, the applicant Jugal S/o Khemchand Agrawal is permitted to assist the prosecution. The application is **allowed** accordingly.

CRIMINAL APPLICATION (ABA) NO.555/2016

Heard.

The applicant, apprehending arrest in crime registered against him and two others for the offence punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code, has sought pre-arrest bail. The crime is registered on the complaint of Jugal Khemchand Agrawal that the accused have cheated him and a fraud is played on him causing huge monetary loss to him. According to the complainant, the present applicant was asked to identify property which the applicant intended to purchase, that the applicant

introduced complainant to co-accused Bharat Chavan and a forged document (sale deed) dated 7th September, 1988 was shown to the complainant which reflected that Bharat Chavan was the owner of the property and relying on the accused, the complainant purchased the property in question and parted with the amount. The complaint about the incident which according to the complainant took place in 2013 is made on 16th January, 2016.

The application is opposed on the ground that the material available with the investigation agency shows the involvement of the applicant in the crime, that the investigation is going on and after this Court granted interim protection to the applicant, he has not co-operated with the investigating agency.

This matter was heard on 5th June, 2017 and considering the grievance of the investigating agency an order was passed directing the applicant to attend the police station on 8th June, 2017 and co-operate with the investigating agency. The Advocate for the applicant has pointed out the affidavit of the applicant sworn on 20th June, 2017 in which it is stated that the applicant attended the police station on 8th June, 2017, however, the Investigating Officer was not available. The applicant has stated that he has given his cellphone number also. This fact is not controverted by the learned A.P.P. The applicant has stated that he is not involved in any other crime / offence. This Court has granted interim protection to the applicant by the order passed on 31st August, 2016. Except at the time of hearing on 5th June,

2017 the non-applicant has neither made any grievance that the applicant has not co-operated with the investigating agency nor has taken any steps to obtain appropriate orders from this Court on that ground. Even after 8th June, 2017 the Investigating Officer has not summoned the applicant, if the applicant was required for further investigation. The facts on record show that the Investigating Officer is either not interested in investigation of the matter or is supporting the applicant.

Considering the facts of the case, following order is passed:

In the event of arrest in Crime No.25/2016 registered by the non-applicant, the applicant be released on bail on executing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand) and on furnishing one solvent surety in the like amount.

The applicant shall attend the police station on every Monday between 10 a.m. to 1 p.m. till the charge-sheet is filed.

Shri N.R. Patil, learned A.P.P. shall send copy of this order to the Commissioner of Police, Nagpur for information and the action taken report in the matter shall be filed by the Commissioner of Police on record of this application till 12th July, 2017.

The application is **allowed** accordingly.

JUDGE