

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

CRIMINAL APPLICATION (ABA) NO.180/2017

Vivek S/o Sharad Diwan

..Vs..

State of Maharashtra, through its Police Station Officer, Imamwada Police
Station, Tq. and Distt. Nagpur

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

Court's or Judge's orders

Shri A. Mardikar, Sr. Adv. with Shri S.G. Joshi, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 22.6.2017.

Heard.

The applicant, apprehending arrest in crime registered against him and 16 others for the offence punishable under Sections 406, 465, 408, 420, 467, 468, 471, 472, 474 and 477 read with Section 34 of the Indian Penal Code, has sought pre-arrest bail.

According to the investigating agency, all the accused are part of a racket and have committed a fraud and cheated the banks of amount more than Rs.1.73 Crores. According to the investigating agency, the accused sought vehicle loan and without purchasing the vehicles produced fabricated documents like insurance papers, registration certificate and other documents to show that the vehicles are purchased.

The accusations against the applicant are that

he also sought vehicle loan and for it he produced fabricated pay slip alleged to have been issued by his employer (University), showing his salary more than what he is receiving. It is alleged that the applicant was handed over two demand drafts worth Rs.9,00,000/- and Rs.4,47,443/- which were deposited in the account of some fictitious company. It is alleged that the applicant has not purchased the vehicle and has produced fabricated documents of the vehicle like insurance papers, registration certificate and other similar documents with the bank to show that he has purchased the vehicle. The investigating agency has submitted that the Branch Manager of the bank is suspended.

The application is opposed on the ground that the investigation is still in progress.

Considering the facts of the case, I am not inclined to grant the prayer made in the application. The application is **dismissed**.

The applicant has enjoyed interim protection granted by this Court by the order dated 23rd March, 2017. The applicant shall surrender till 17th July, 2017, failing which note of his conduct be taken at the various stages of the proceedings.

The learned Senior Advocate appearing for the applicant has prayed that the amount of Rs.2,00,000/- deposited by the applicant as per the order passed by this Court on 5th May, 2017 be returned to the applicant. The learned A.P.P. opposed the prayer, however, as the application is dismissed, the Registry is

directed to return the amount of Rs.2,00,000/- to the applicant.

JUDGE

Tambaskar.