

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

CRIMINAL APPLICATION (ABA) NO. 248 OF 2017

(LAXMINARAYAN RAJAM BOINA AND ANOTHER...VS.. STATE OF MAH. THR. P.S.O. PS
CHANDRAPUR, DISTT.CHANDRAPUR)

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

Court's or Judge's orders

Shri Saumitra Paliwal, Advocate for Applicant.
Shri N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 6th JULY, 2017.

Heard.

The applicants, apprehending arrest in connection with crime registered against them for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code and Section 66(d) of the Information Technology Act, have sought pre-arrest bail.

The accusations against the applicants are that they have cheated the complainant by alluring him to part with amount of Rs.1,61,000/- assuring to supply him imported coal, however, in spite of the fact that the complainant transferred the amount of Rs.1,61,000/- in the account of the company, the coal is not supplied. According to the complainant, when he had gone to Hyderabad, he found that the company is not in existence.

The applicants claim that the coal is supplied and it is transported by the transport company engaged by the

complainant himself. The applicants have produced photocopy of document to support this claim. It is submitted that apart from this, the bank account of the company of the applicants was seized and the applicants have deposited the amount of Rs.1,61,000/- with the Investigating Agency. The applicant No.1 claims to be a businessman and applicant No.2 is wife of the applicant No.1 and claims to be a housewife. The applicants have stated that they are not involved in any other crime/offence.

This Court has granted protection to the applicants by order passed on 18th April, 2017 imposing condition of attendance at the police station. The Investigating Agency has not made any complaint that the applicants have not complied with the order passed by this Court and have not co-operated with the Investigating Agency.

In the facts of the case, the order passed by this Court on 18th April, 2017 granting protection to the applicants is confirmed.

The application is **allowed** accordingly.

JUDGE

PBP