

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

CRI. APPLICATION (BA) NO. 359 OF 2017

(IMRAN S/O IBRAHIM QUAZI...VS.. STATE OF MAH. THR. P.S.O. PS AJANI, DIST.NAGPUR)

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

Court's or Judge's orders

Miss. S. S. Deshpande, Advocate for Applicant.
Shri. N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 20th JUNE, 2017.

Heard.

The applicant is arrested on 26.08.2016 in crime registered against him and five others for the offences punishable under Sections 419, 420, 468, 120(B) of the Indian Penal Code and Sections 66(C) and 66(D) of Information and Technology Act. The crime is registered on the complaint of Elishaba Vivian Demoraise that under the pretext of providing job in Schlumberger Oil and Gas Company, United States, the complainant was asked to supply certain documents and to deposit some amount and later on, it was found that she is cheated and fraud is played on her.

The complainant has not named the applicant in the First Information Report. The accused Nos.4, 5 and 6 are released on bail. According to the Investigating Agency, amount of Rs.30,000/- is seized from the applicant. The learned advocate for the applicant has submitted that the Investigating Agency has not been able to point out that any amount is transferred to the account of the applicant from the account in which the complainant had deposited the amount.

The learned advocate for the applicant has further argued that though according to the Investigating Agency, the call data report shows that the applicant had been in contact with co-accused Isar, said Isar is cousin brother of the applicant. The Investigating Agency has not shown that the applicant had been in contact with the accused Nos.4, 5 and 6.

The learned Additional Public Prosecutor has pointed out that four crimes for the offences similar in nature are registered against the applicant. The advocate for the applicant has submitted that in those cases the applicant is released on bail and there is no complaint against the applicant that he has not co-operated with the investigation.

The investigation is complete and charge-sheet is filed. The non-applicant has not been able to show that the custody of the applicant is required for further investigation. In the facts of the case, following order is passed :

The applicant having been arrested in Crime No.163 of 2015 registered by the non-applicant, he be released on bail on executing P. R. Bond of Rs.50,000/- and on furnishing two solvent sureties in the like amount.

The advocate for the applicant has stated that both the sureties will be permanent residents of Nagpur. The statement is accepted.

The application is **allowed** accordingly.

JUDGE