

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

CRIMINAL APPLICATION (ABA) NO. 306 OF 2017

(SAM PITER S/O THAMPY PITER...VS...STATE OF MAH. THR. P.S.O. PS SAWANGI (MEGHE),
DISTT.WARDHA)

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

Court's or Judge's orders

Shri Parag Bezalwar, Advocate for Applicant.
Shri N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 31st JULY, 2017.

Pursuant to an order passed under Section 156 of the Code of Criminal Procedure, Crime No.M-Case No.67/2017 is registered against the applicant for offence punishable under Sections 420, 506 read with Section 34 of the Indian Penal Code. Apprehending arrest in connection with the above crime, the applicant has sought pre-arrest bail.

According to the Investigating Agency, the complainant paid an amount of Rs.16,50,000/- to the applicant regarding business transaction, however, the applicant failed to comply with the requirements of the agreement and to return the amount issued five cheques in favour of the complainant which are dishonoured with the endorsement "account closed".

The learned advocate for the applicant has submitted that from the nature of accusations, it is clear that the dispute is of Civil nature. It is further submitted that the complainant himself is an offender and has duped innocent persons of huge money assuring to secure job for them.

The application is opposed on the ground that investigation is under progress, custodial interrogation of applicant is required and Investigating Agency apprehends that if the applicant is not taken in custody immediately, he may abscond.

The learned A. P. P. has pointed out the statement of accounts of the applicant for the period from 1st February, 2015 till 9th February, 2016 which show that the account is closed on 09th February, 2016 and on that date, the amount in the account was Nil as the account was closed. It is further pointed out that the cheque for Rs.5,00,000/- was issued on 26th January, 2016 and on 28th January, 2016, the balance was Rs.11,425/-. The learned A. P. P. has further pointed out that applicant had not given any intimation to the complainant that the account was closed and cheque need not be presented.

Be that as it may, considering the facts of the case, the nature of accusations against the applicant and accepting the submission made on behalf of the Investigating Agency that custody of the applicant is required for investigation, the application is **dismissed**.

The applicant is granted interim protection by order passed on 5th May, 2017. The applicant shall surrender within 2 weeks failing which note of his conduct be taken at various stages of the proceedings.

JUDGE