

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

CRI. APPLICATION (ABA) NO. 378 OF 2017

(YUVRAJ MANOHAR DHANORKAR....VS.. STATE OF MAH.THR.P.S.O., BHADRAWATI, 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 Firdos Mirza, Advocate for Applicant.
Shri A.D.Sonak, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 27, 2017.

Heard.

Apprehending arrest in connection with Crime No. 539 of 2017, registered for the offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code, the applicant has sought pre-arrest bail.

According to the Investigating Agency, the amount of Rs.2,300/-, receivable by the complainant as scholarship, is defalcated by the applicant who is President of the society administering the institution. It is submitted on behalf of the Investigating Agency that there may be misappropriation of more amount.

The Investigating Agency had filed an affidavit/ reply sworn on 20th June, 2017 in which it was stated that though only 118 students had taken admission in the institution it was shown that 223 students were given admission and accordingly the amount of scholarship was claimed. Finding some ambiguity in the submissions made by the Investigating Agency, it was directed that the

Investigating Agency should file additional affidavit/ reply and also point out whether investigation is undertaken to find out whether the officers of the department are also involved.

The additional affidavit, sworn on 27th July, 2017, is filed on behalf of the Investigating Agency and now, it is stated that earlier submission was made because of misunderstanding and misreading of the documents and in fact, 224 students had taken admission in the institution during the relevant period. It is further stated that the amount of scholarship is transmitted by the department directly into the account of the students.

Though the application is opposed on the ground that certain documents are required to be seized from the institution, the Investigating Agency has not been able to point out any *prima-facie* case against the institution and the management.

By the order passed on 8th June, 2017 protection is granted to the applicant. The Investigating Agency has not complained that the applicant has misused the liberty or has not co-operated with it. The non-applicant has not been able to show that the custody of the applicant is required for investigation.

In the facts of the case, the order passed by this Court on 8th June, 2017 granting protection to the applicant is confirmed.

The application is **allowed** accordingly.

JUDGE