

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.800 OF 2017

Pandurang s/o Tukaramji Thakare, Agriculturist, Ansing, Washim

-vs-

State of Maharashtra, Thr. PSO, PS Ansing, Dist. Washim

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. S. Deshpande, Advocate for applicant.
Shri S. M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 22, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.194/2017 registered at Police Station Ansing, Dist. Washim for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

As per the First Information Report dated 08/10/2017, as per order dated 26/09/2017 issued by the office of the Collector, an inquiry was held into the matter of purchase of Tur. Said committee submitted its report on 07/10/2017. In that report the name of present applicant was included in view of the letter issued by the District Deputy Registrar, Co-operative Societies, Washim. Besides the applicant there are five other persons named in the report. The offence is accordingly registered under Section 420 read with Section 34 of the Indian Penal Code.

It is submitted on behalf of the applicant that the

applicant is the President of one Vidarbha Agricultural Produce and Marketing Co-operative Society. The enquiry report that came to be submitted did not find any shortcoming in so far as the present applicant is concerned. The role of five other persons named in the report warranted filing of a criminal complaint against them. The applicant's name has been included only on account of political rivalry. It is submitted that custodial interrogation of the applicant is not warranted and as per directions issued, the applicant has co-operated with the Investigating Officer.

Reply has been filed and the prayer as made is opposed. It is submitted by the learned Additional Public Prosecutor that custody of the applicant is necessary for further investigation. Certain cheques were issued to the farmers and after those cheques were cleared the amount was taken back and paid to the traders. Considering the nature of offence protection does not deserve to be granted.

Perused the enquiry report as well as the First Information Report. The same indicates that the Enquiry Committee found the role of four traders and the Manager of the Society in question to be of such nature that required registration of an offence. Said report indicates that the Dy. Registrar, Co-operative Societies on 13/10/2017 issued a letter for including the name of present applicant in said offence. After this enquiry report was submitted, no further investigation was carried out and applicant's name has been added as per the letter of the Dy. Registrar. Considering the

fact that the report is lodged on the basis of enquiry report dated 07/10/2017 which prima facie does not indict the applicant, I find him entitled for protection.

Accordingly, in the event of applicant's arrest in connection with Crime No.194/2017 registered at Police Station Ansing, Dist. Washim for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, he shall be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station as and when directed by the Investigating Officer. He shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE