

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

CRI. APPLICATION (ABA) NO. 805 OF 2016

(AKSHAY UDAY BONGULWAR...VS.. STATE OF MAH. THR. P.S.O. PUSAD CITY, DIST. YAVATMAL)

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

Court's or Judge's orders

Shri V.N.Patre, Advocate for Applicant.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 20, 2017.

Heard.

The applicant, apprehending arrest in crime registered against him and five others for the offences punishable under Sections 408 and 420 of the Indian Penal Code has sought pre-arrest bail. The crime is registered against the accused who were working with Cholamandalam Investment and Finance Co. Ltd. on the complaint of Assistant Legal Manager of the company that the accused have misappropriated the amount of Rs.14,62,020/- and have cheated the company. It is alleged that the applicant who was working as clerk with the company at the relevant time actively participated in selling vehicles surrendered to the company by the customers and not depositing the amount with the company. According to the Investigating Agency, the involvement of the applicant in crime is noticed because of deposit of an amount of Rs.40,000/- on 28th October, 2013 and deposit of amount of Rs.50,000/- also on 28th October, 2013 by Chandan Gupta (uncle of main accused Nikhil Gupta).

The applicant has filed an affidavit sworn on 16th June, 2017 stating that uncle of Nikhil Gupta wanted to pay an amount of Rs.90,000/- to Nikhil Gupta and as Nikhil Gupta was not having bank account at Umerkhed he had asked the applicant to give number of his account at Umerkhed, the applicant gave his account number, the uncle of Nikhil Gupta deposited the amount and the applicant had withdrawn the amount on the same day and handed it over to Nikhil Gupta.

The charge-sheet is filed on 28th September, 2016. The applicant is granted protection by order passed on 13th December, 2016. The Investigating Agency has not complained that the applicant has misused the protection granted by this Court or has not co-operated with the Investigating Agency. The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

Considering the facts of the case, the interim protection granted by this Court on 13th December, 2016 is confirmed.

The application is **allowed** accordingly.

JUDGE