

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

CRI. APPLICATION (ABA) NO. 837 OF 2016

(SANJAY RAMESH DONGARE...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 Rugved Dhore, Advocate for applicant.
Shri V.A.Thakare, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 12, 2017.

Heard.

The applicant has sought pre-arrest bail apprehending arrest in the crime registered against him for the offences punishable under Sections 408 and 420 of the Indian Penal Code on the accusations that the accused being employees of Cholamandalam Investment and Finance Company Limited have misappropriated the amount of more than Rs.14,00,000/-. As per the first information report, the accusations against the present applicant are that he has not deposited amount of Rs.72,000/- collected from the customers, in the account of the company. The accusations are that the amount of Rs.72,000/- is collected by the applicant in cash and cheque for that amount was given to be deposited in the account of the company but the cheque is not honoured.

The learned advocate for the applicant has pointed out that one of the co-accused Rahul is granted pre-arrest bail by this Court by the order passed in Criminal Application (ABA) No. 165 of 2017 on 11th April, 2017. It is submitted that the investigation is complete, chargesheet is filed and it is not the complaint of the Investigating Agency

that the interim protection granted by this Court by the order passed on 23rd December, 2015 is misused by the applicant.

The learned A.P.P. has opposed the application on the ground that the applicant has not co-operated with the Investigating Agency and the chargesheet which is filed before the trial Court shows that the applicant is absconding. It is further submitted that the custodial interrogation by the applicant is required to find out the truth. Though the chargesheet filed before the trial Court shows that the applicant is absconding, no such averment is made in the reply filed before this Court. The Investigating Agency has not pointed out the steps taken by it to conduct further investigation by summoning the applicant.

Considering the facts of the case, in my view, the interim protection granted by this Court is required to be confirmed, however, on modified conditions.

In the event of arrest in Crime No. 56 of 2015, registered by the non-applicant, the applicant be released on bail on furnishing cash security of Rs.One Lakh and one solvent surety in the like amount.

The applicant shall attend the proceedings before the trial Court on every date unless granted exemption by the Sessions Court.

The application is **allowed** in the above terms.

JUDGE