

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

CRIMINAL APPLICATION (ABA) NO.702/2018

Prabhakar S/o Daulatrao Amdhare

..Vs..

State of Maharashtra, through Police Station Officer, Sitabuldi, Nagpur

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 the applicant.
Shri V.A. Thakre, A.P.P. for the non-applicant.

CORAM : Z.A. HAQ, J.

DATE : 12.10.2018.

After arguing for some time, learned Advocate for the applicant, on instructions, seeks permission to withdraw the application. It is **disposed** accordingly.

During the course of hearing of Criminal Application (ABA) No.702/2018, the learned Advocate for the applicant relied on the order passed by the Sessions Court on Miscellaneous Criminal Application No.2074/2018 on 5th September, 2018 by which co-accused - Nitin S/o Dattuji Amdhare is granted pre-arrest bail.

According to the investigating agency, from the amount of loan received by the applicant (Prabhakar S/o Daulatrao Amdhare in Criminal Application ABA No.702/2018) he paid Rs.4,00,000/- to Nitin Dattuji Amdhare and for that the applicant (Prabhakar S/o Daulatrao Amdhare in Criminal Application ABA No.702/2018) relied on an agreement between the

applicant (Prabhakar S/o Daulatrao Amdhare in Criminal Application ABA No.702/2018) and Nitin Dattuji Amdhare showing Nitin Dattuji Amdhare as the Contractor. The bank might have released the amount relying on the representation made by the applicant (Prabhakar S/o Daulatrao Amdhare in Criminal Application ABA No.702/2018) that Nitin Dattuji Amdhare is a Contractor and the applicant (Prabhakar S/o Daulatrao Amdhare in Criminal Application ABA No.702/2018) has paid or would be paying Rs.4,00,000/- to him. While granting pre-arrest bail to Nitin Dattuji Amdhare, learned Sessions Judge has recorded that the case diary does not show that any wrongful gain was obtained by Nitin Dattuji Amdhare. The facts pointed out by the learned A.P.P. while opposing the application ABA No.702/2018 show that the fake agreement between the present applicant (Prabhakar S/o Daulatrao Amdhare in Criminal Application ABA No.702/2018) and Nitin Dattuji Amdhare was submitted to the bank to obtain the loan.

Prima facie, I find that the learned Sessions Judge has not considered the relevant aspects while granting pre-arrest bail to Nitin Dattuji Amdhare.

Hence issue notice to Nitin Dattuji Amdhare, aged about 30 years, Occu. Agriculturist, R/o Plot No.31, Adarsha Nagar, Umred Road, Nagpur to show cause why the order passed by the learned Sessions Judge on Miscellaneous Criminal Application No.2074/2018 on 5th September, 2018 should not be set aside and why the

pre-arrest bail granted to him should not be cancelled.

The notice is made returnable on **19th October, 2018.**

The investigating agency shall ensure that the notice is served on Nitin Dattuji Amdhare before the returnable date.

JUDGE

Tambaskar.