

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

CRIMINAL APPLICATION (ABA) NO.421/2019
Swapnil s/o Subhash Thakre

..VS..

State of Mah., thr. PSO PS Mankapur, District Nagpur

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

Court's or Judge's Order

Shri V.K.Nankani, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 30, 2019.

1. In view of order passed by this Court on 23.8.2019, Deputy Commissioner of Police (Zone-II) Ms Vinita Jairam Sahu, is personally present. She has tendered her affidavit which is taken on record. In the affidavit, it is pointed out steps taken by her against erring officers. In the affidavit so also in the Court, she assured that henceforth officials working under her jurisdiction will immediately respond to calls given by Office of the Public Prosecutor.

The statement is accepted.

2. Heard learned counsel Shri V.K.Nankani for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State.

3. The applicant is apprehending his arrest in connection with Crime No.130/2019 registered with

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Mankapur Police Station, District Nagpur for offences under Sections 420, 465, 467, 468, 471, and 120(B) read with Section 34 of the Indian Penal Code.

4. According to the prosecution, one Sagar Kolhe, the co-accused, transferred Rs.80,000/- from his bank account to applicant's bank account. Said Sagar was arrested, however since within stipulated time chargesheet was not filed, he was released on default bail by competent Court.

5. According to learned Additional Public Prosecutor Shri V.A.Thakare for the State, transfer of Rs.80,000/- from account of Sagar to account of applicant is part of conspiracy and, therefore, custodial presence of the applicant is necessary.

6. I am afraid with this type of allegation against person his custody can be given.

7. It is to be mentioned here that on 1.7.2019 this Court (Coram : Manish Pitale, J.) granted *ad interim* anticipatory bail in favour of the present applicant with a direction that the applicant shall attend police station and accordingly submission of learned counsel Shri V.K.Nankani for the applicant is that the applicant attended police station and the said is not at all disputed by learned Additional Public Prosecutor Shri V.A.Thakare for the State on the basis of instructions given to him by Investigating Officer who is personally present in the Court.

8. The applicant, therefore, surely entitled for grant of anticipatory bail. Hence, I pass following order:

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ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant-Swapnil s/o Subhash Thakre, in connection with Crime No.130/2019 registered with Mankapur Police Station, District Nagpur for offences under Sections 420, 465, 467, 468, 471, 120(B) read with Section 34 of the Indian Penal Code, he be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(iii) The applicant is directed to attend the police station on every Monday and shall be with Investigating Officer from 11:00 a.m. to 5:00 p.m., till filing of chargesheet.

(iv) With this, the criminal application stands disposed of accordingly.

JUDGE

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