

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

CRIMINAL APPLICATION (ABA) NO.428/2019

Pramod s/o Keshav Pilani

..VS..

The State of Mah., thr. PSO PS Sadar, Nagpur

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

Court's or Judge's Order

.....
Shri S.P.Sonwane, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 27, 2019.

1. Complainant is duped for rupees more than a crore. Name of the present applicant is in First Information Report.
2. This Court (Coram : Manish Pitale, J.), on 3.7.2019 granted *ad interim* anticipatory bail in favour of the present applicant on condition that the applicant shall cooperate with Investigating Officer and shall remain present in police station on 7.7.2019.
3. According to learned Additional Public Prosecutor Shri V.A.Thakare for the State, on 7.7.2019 the applicant did appear before Investigating Officer, however the applicant gave evasive replies and, therefore, as per reply of Investigating Officer, Investigating Officer asked the applicant to supply copy of statement of his Bank A/c which according to reply, the applicant promised to supply. However, for reasons best know to the applicant, the said

.....2/-

copy of statement of his Bank A/c was not supplied and, therefore, on 3.8.2019 Investigating Officer was required to issue a registered letter to the applicant.

4. Receipt of the said letter is not disputed by learned counsel Shri S.P.Sonwane for the applicant.

5. According to the applicant, copy of statement of his Bank A/c was given through his Advocate to Investigating Officer. However, the applicant did not attend Investigating Officer.

6. Presence of the applicant will be necessary for investigation *qua* bank statement submitted by the applicant.

7. It appears that after obtaining *interim* relief from this Court, the applicant is not extending cooperation to Investigating Officer.

8. Thus, the applicant has flouted core of order dated 3.7.2019.

9. Courts are always there to extend helping hands to applicants who scrupulously follow orders and extend full cooperation to Investigating Officer.

10. In the present case, it appears that the applicant is not cooperating.

11. Looking to the said aspect and looking to the fact that the complainant is duped for rupees more than a crore and the present applicant has sent only copy of statement of his Bank A/c without offering any explanation in respect of said Bank A/c, in my view, custodial presence of

the applicant is absolutely necessary.

12. Consequently, the present criminal application is rejected and disposed of accordingly.

13. Needless to mention that *interim* orders dated 3.7.2019 stands vacated.

14. It is expected from Investigating Officer to take appropriate steps in accordance with law.

JUDGE

!! BRW !!

...../-