

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

CRIMINAL APPLICATION (ABA) NO.513/2019

Madanmohan s/o Vikram Soni

..VS..

State of Mah., thr. Officer-in-charge of Police Station, Bhandara, Tahsil and
District Bhandara

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

Court's or Judge's Order

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Shri H.R.Gadhia, Counsel for the Applicant.
Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : SEPTEMBER 04, 2019.

1. The applicant is apprehending his arrest in connection with Crime No.384/2019 registered with Bhandara Police Station, Tahsil and District Bhandara for offences under Sections 406 and 420 read with Section 34 of the Indian Penal Code.
2. Heard learned counsel Shri H.R.Gadhia for the applicant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused reply filed on behalf of the State.
3. Crime is registered on the basis of report dated 5.6.2019 lodged by one Shailesh Shivprasad Kharole.
4. According to the prosecution case, first informant Shailesh, involved in a private construction, ordered two gold chains, 2 gold rings to Chandrkumar Soni

who runs a “Gurunanak Jewellers” at Bhandara.

5. According to the first informant, he gave advance Rs.60,000/- to shop owner Chandrakumar Soni, however without giving delivery of the gold and silver ornaments, said Chandrakumar Soni closed his shop and is not traceable in Bhandara town.

6. In the First Information Report, the first informant also gave instances of other persons who gave advances, however they did not get gold ornaments.

7. According to reply, present applicant was present in the shop.

8. It is submission of learned counsel Shri H.R.Gadhia for the applicant, on the basis of documentary evidence, to show that the applicant has no concern with said “Gurunanak Jewellers” at Bhandara except the fact that proprietor Chandrakumar Soni is his uncle. Learned counsel pointed out from documents filed along with application for grant of bail that the applicant is working as an Accountant from year 2004 with “Jalaram Flexo Laminates at Nagpur”. He also placed on record P.F. Pass Book of the applicant showing deductions of amount from salary.

9. On 29.7.2019, this Court (Coram : Manish Pitale, J.) granted *ad interim* bail in favour of the applicant on conditions that the applicant shall cooperate with investigation and shall make himself available before Investigating Officer as and when required. In spite of that, learned Additional Public Prosecutor Shri J.Y.Ghurde for the State, submitted that at no point of time the applicant was

called by Investigating Officer.

10. Looking to the nature of accusations made in the First Information Report, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of applicant-Madanmohan s/o Vikram Soni, in connection with Crime No.384/2019 registered with Bhandara Police Station, Tahsil and District Bhandara for offences under Sections 406 and 420 read with Section 34 of the Indian Penal Code, the applicant 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 shall attend the police station every Sunday commencing from 8.9.2019 till end of November 2019 and shall be with Investigating Officer from 3:00 p.m. to 5:00 p.m..

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

JUDGE

!! BRW !!

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