

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

CRIMINAL APPLICATION (ABA) NO.94 OF 2020

(Ravindra s/o Sampatrao Kudmate and others ..vs.. State of Maharashtra, through PSO, PS Jaripatka,
Nagpur)

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

Court's or Judge's orders

Shri S.N. Bawangade, Counsel for the applicants,
Shri S.M. Ghodeswar, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 11-03-2020

The applicants are apprehending arrest in Crime 35/2020 registered with Police Station Jaripatka, Nagpur for offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. Applicants 2 and 3, who are the wife and father-in-law of applicant 1, even on the face of the first information report have no significant role to play in the transaction and they were granted interim protection vide order dated 13-2-2020.

3. In so far as applicant 1 is concerned, the material on record would *prima facie* indicate that he acted as the commission agent and received Rs.20,000/-. The complainant alleges that it was at the instance of applicant 1-Ravindra that he deposited an amount of Rs.1,50,000/- in the account of Balaji Auto Finance towards purchase of trailer. Balaji Auto Finance's

proprietor is absconding since then. The Submission of the learned Counsel for applicant 1 is that applicant 1 is also a victim and that he introduced the complainant to Balaji Auto Finance *bona fide* and as a commission agent and that he has no other role to play in the transaction. The learned Counsel submits that he is ready to deposit the commission received before the Investigating Officer and has no objection if the said commission amount is paid to the complainant.

4. It does not appear that custodial interrogation is necessary. Although the first information report is registered in January 2020, the police were in seisin of the matter at least since August 2019 as would appear from the statement of applicant 1, which is recorded in August 2019. Moreover, the submission of the learned Counsel that beyond acting as commission agent, applicant 1 has no complicity, cannot be brushed aside.

5. The applicants are entitled to be protected.

6. In so far as applicants 2 and 3 are concerned, the interim order dated 13-2-2020 (Coram : V.M. Deshpande, J.) is made absolute.

7. In so far as applicant 1 is in concerned, in the event of arrest in Crime 35/2020 registered with Police Station Jaripatka, Nagpur, he shall be released on

furnishing personal bond of Rs.20,000/- with one solvent surety of like amount.

8. Applicant 1 shall attend Police Station Jaripatka, Nagpur on every Monday of the week till the submission of the charge-sheet from 11-00 a.m. to 2-00 p.m.

JUDGE

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