

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

CRIMINAL APPLICATION (ABA) NO.106 OF 2020

(Hemant s/o Vrajlal Zaveri ..vs.. State of Maharashtra, through PSO, PS Sadar, Nagpur)

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

Court's or Judge's orders

Shri M.S. Wakil, Counsel for the applicant,
Shri P.S. Tembhare, Addl.P.P. for the non-applicant,
Shri S.N. Sarda, Counsel for the intervenor,
Shri M.K. Deshraj, Counsel for the intervenor.

CORAM : ROHIT B. DEO, J.

DATED : 26-03-2020

In view of the order dated 20-3-2020, the Deputy Commissioner of Police, Zone-2, Nagpur Smt. Vinita Sahu is present to assist the Court.

2. Considering the present scenario, her gesture is appreciated.

3. The the Deputy Commissioner of Police, Zone-II, Nagpur Smt. Vinita Sahu has informed the Court that the Investigating Officer has taken all possible steps to arrest the prime accused Hemant Zaveri, who is based in Mumbai. Smt. Vinita Sahu states that the accused complained of ill-health and is presently admitted to the Lilavati Hospital. She has appraised the Court of the developments. This Court is satisfied that the Investigating Officer, under the guidance and supervision of Smt. Vinita Sahu, has made all possible efforts to take

the prime accused in custody. It is hoped, that after the prevailing situation improves, the matter shall be persuaded with equal vigor.

4. In so far as Criminal Application 106/2020 is concerned, the applicant is not entitled to protection. According to the learned Additional Public Prosecutor Shri P.S. Tembhare, the applicant is a habitual offender and several persons in Nagpur have been duped. It is further brought to the notice of this Court that in similar offence the applicant was granted pre-arrest bail vide order dated 22-6-2018 in Criminal Application 241/2018. However, the applicant did not make the payment of the amount due to the complainant in Criminal Application 241/2018, which was the undertaking given, and in view of which undertaking indulgence was shown by this Court.

5. At this stage, the learned Counsel for the applicant has produced on record certain receipts purportedly signed by the complainant in Criminal Application 241/2018 Shri Manish Deshraj. According to the learned Counsel for the applicant, as against the money due and payable to Shri Manish Deshraj, gold worth equal amount was given to Shri Manish Deshraj. The complainant Shri Manish Deshraj is present in the Court and he states that the signatures are forged. Shri Manish Deshraj categorically asserts that he did not

receive either the amount or the gold after this Court granted pre-arrest bail to the applicant in Criminal Application 241/2018.

6. The receipts, which are placed on record by the applicant, shall be kept in sealed envelope and are handed over to the Deputy Commissioner of Police, Zone-II, Nagpur Smt. Vinita Sahu. In view of the statement of Shri Manish Deshraj that the signatures are forged, he is directed to lodge a first information report at the concerned police station which shall be investigated on priority, subject of course to the present situation and the onerous duties which the police officers are discharging to ensure that the directives of the Government issued to combat the Coronavirus are duly implemented.

7. This application for pre-arrest bail is rejected.

JUDGE

adgokar