

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

CRIMINAL APPLICATION (ABA) NO.182 OF 2020

(Mahavir Mahadeo Uike Vs. The State of Maharashtra thr. PSO Ghuggus, Tq. & Dist.
Chandrapur)

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

Court's or Judge's orders.

Shri R.S. Kurekar, Advocate for Applicant.
Shri C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 16th MARCH, 2020.

I am not inclined to exercise discretion in favour of the applicant who is apprehending arrest in Crime 34/2020 registered with the Police Station Ghuggus, District Chandrapur for offences punishable under Section 467, 468, 471, 420 and 409 of the Indian Penal Code.

2] The submission of the learned counsel Shri Kurekar is that the amount of Rs.1,91,097/- allegedly misappropriated, is deposited by the applicant, and that such deposit would entitle the applicant to pre-arrest protection. The submission is noted that only for rejection.

3] Perusal of the response filed by the prosecution before the learned Sessions Judge would reveal that the applicant was working as Deputy Post Master from 08.06.2016 to 27.06.2019. The accusation is that during the aforesaid period, he forged the signature of various account

holders and withdrew various amounts from their account. The other accusation is that the applicant received various amount from the account holders, recorded the entry of deposit in the pass books of the account holders and then did not deposit the amount with the post office.

4] Considering the brazen manner in which the offence is committed, by a person who was entrusted with the custody of the accounts and the amount of depositors, the fact that when the fraud was discovered and departmental action initiated, the applicant deposited the amount misappropriated, would not entitle the applicant to pre-arrest bail.

5] I am satisfied that in the present case, custodial interrogation would be necessary to unravel the various aspects of the crime. In any event, it is well settled that interrogation of a person who is protected by an order of pre-arrest bail and custodial interrogation are essentially qualitative different.

6] The application is dismissed.

JUDGE