

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

CRIMINAL APPLICATION (APPP) NO. 407 OF 2020
CRIMINAL APPLICATION (ABA) NO. 204 OF 2020

(Pankaj Tulsiram Choudhary vs. The State of Maharashtra thr. PSO, PS, Sonegaon, Nagpur)

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

Court's or Judge's orders.

Shri R.V. Khaparde, Advocate for the applicant.
Shri A.V. Palshikar, APP for the non-applicant.

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CORAM : PUSHPA V. GANEDIWALA, J.
JULY 07, 2020.

Heard Shri Khaparde, learned counsel for the applicant and Shri Palshikar, learned APP for the non-applicant.

Hearing is conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality is proper.

Criminal Application (APPP) No. 407 of 2020 for dispensing with filing of certified copy is allowed.

The applicant apprehends his arrest in Crime No. 19 of 2020 registered for the offences punishable under Sections 406, 420, 468, 471 read with Section 34 of the Indian Penal Code.

The allegations against the present applicant are that he along with co-accused managed to dupe the informant – Amit Dayaram Bawane for Rs. Seven lakh on the pretext of securing job to the informant and his brother in college run by Shivaji Shikshan

Sanstha, Amravati. Accordingly, the appointment letters were also issued to the informant and his brother, however, later it revealed that the appointment letters were fake and hence offence came to be registered.

The name of the present applicant came into picture during interrogation of co-accused Preeti Prakash Bhosle.

It is alleged that on the pretext of availing job, the applicant along with co-accused duped several persons. During the course of investigation, a huge amount is found to be deposited in the account of the applicant in Allahabad Bank, Nagpur, during the period from 2017 to 2019.

The learned counsel for the applicant vehemently submitted that the co-accused in this case has already been released on regular bail in the Sessions Court. The applicant is an innocent person having no nexus to the crime in question and his name is not appearing in the FIR. The learned counsel also argued with regard to unexplained delay in lodging FIR.

Having considered the submissions on behalf of both the parties and perusal of the documents on record would reveal prima facie substance against the applicant. The allegations appear to be serious in nature for which, in my opinion, custodial

interrogation is necessary. The applicant also does not deserve parity. The learned Sessions Court has rightly rejected the ground of parity considering his role in the alleged crime.

In such circumstances, no case for pre-arrest bail is made out and hence, Criminal Application (ABA) No. 204 of 2020 is rejected. Needless to say that the observations made in this order shall not trammel the Sessions Court during the course of trial.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whatsapp or by such other mode, as is permissible in law.

JUDGE

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