

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

CRIMINAL APPLICATION (ABA) NO.288 OF 2020

(Girish s/o Trambakrao Agnihotri Vs. The State of Maharashtra thr. PSO PS Umred,
Tah. Umred, Dist. Nagpur)

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

Court's or Judge's orders.

Shri P.M. Pande, Advocate for Applicant.
Mrs. S.S. Jachak, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 28th SEPTEMBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The applicant is seeking pre-arrest protection in Crime 236/2020 registered with Umred Police Station, District Nagpur for offence punishable under section 406, 420 and 34 of the Indian Penal Code and section 3 of the Maharashtra Protection of Interest of Depositors Act, 1999.

4] The report is lodged by five depositors of the Sacchidanand Sahakari Patsanstha, Umred. The complaint is that despite maturity of fixed deposit of Rs.5,04,100/- the society failed to repay the amount. The applicant is the

President of the society. The other office bearers – co-accused are granted pre-arrest bail by the learned Sessions Judge. It does not appear, that the said order is challenged.

5] The applicant was the President of the society from 2015 to 2019. The learned counsel for the applicant Shri Pande has invited my attention to the order of appointment of Administrator. It is emphasized that no misfeasance or malfeasance is attributed to the applicant. The applicant was also the Secretary from 2007 to 2013. While according to the prosecution the investments were made during the said period, perusal of the affidavit in response would show that the role attributed to the applicant is no different than the role attributed to the co-accused who are protected. Further, the role attributed is general and all that is said is that there is a default and the offence is serious. While it is also stated in the reply that the applicant may tamper with the evidence, there is no material to suggest so.

6] Considering the material on record, the interim order dated 04.08.2020 can be made absolute, particularly since the applicant has attended the police station and there is no complaint that he has not co-operated with the Investigating Officer.

7] The interim order dated 04.08.2020 is made

absolute with the only modification that the applicant shall join the investigation as and when required by the Investigating Officer.

8] The application is allowed.

JUDGE

NSN