

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

CRIMINAL APPLICATION (ABA) NO.501 OF 2020

(Vinay Ashokrao Chavan and another Vs. State of Maharashtra thr. PSO PS Ajni,
Nagpur)

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

Court's or Judge's orders.

Ms. Shilpa Giratkar, Advocate for Applicant.
Mr. V.A. Thakare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd DECEMBER, 2020.

Heard.

2. The applicants are apprehending arrest in Crime 400/2020 registered with Police Station Ajni, Nagpur for offence punishable under section 406, 420 read with section 34 of the Indian Penal Code.

3. At least twenty-five gullible persons are the victims.

4. The prosecution version is that the victims were promised government loans of Rs.5,00,000/- each with subsidy of Rs.2,50,000/- and were induced to part with substantial amount.

5. Mrs. Giratkar would argue that the kingpin of the crime is Pramila Meshram and that an extremely limited

role is attributed to the applicants Vinay Chavan and Ashish Wandhare. This submission is belied not only by plain reading of the FIR, but further by the material in the case diary, particularly the statements of the victims. There is more than ample material on record to *prima facie* indicate that the applicants have played an active role, and an extremely significant one, in the scam perpetrated.

6. On merits, no case is made out for exercise of discretion in favour of the applicants.

7. There is an additional reason not to exercise discretion. The applicants were granted interim pre-arrest protection subject to the condition that they shall attend the police station twice a month. Applicant Ashish has not attended the police station even once and applicant Vinay has attended the police station only one. In view of the breach of the conditions of pre-arrest protection, it is more than obvious that if any discretion is exercised in favour of the applicants, not only would the investigation be hampered, the applicants may not be available to face the trial.

8. The application is dismissed.

JUDGE