

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

CRIMINAL APPLICATION (ABA) NO.622 OF 2020

(Mukesh Omprakash Sharma Vs. State of Maharashtra thr. PSO PS Malkapur City, Tq.
Malkapur, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. J.B. Gandhi, Advocate for Applicant.
Mr. C.A. Lokhande, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 21st OCTOBER, 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 bail in Crime 432/2020 registered with the Police Station Malkapur City, Tahsil Malkapur, District Buldhana for offences punishable under section 420, 467, 471, 201 read with section 34 of the Indian Penal Code. Having heard the learned counsel Mr. Gandhi, I more than satisfied that the applicant is not entitled to discretionary relief.

4] The case of the prosecution is that cash/currency loan of Rs.4,25,000/- was sanctioned in the name of Wasudeo Pandurang Ingle on the basis of forged and

fabricated documents.

5] The fraud came to light when Wasudeo Pandurang Ingle disclosed that he has not even applied for loan.

6] The demand draft was en-cashed by Aditya Collection, Akola. The Proprietor of Aditya Collection, Akola Amit Bhirad was interrogated and he disclosed that the demand draft for the loan amount was brought to him by the applicant Mukesh Omprakash Sharma and Shekhar Omprakash Sharma.

7] There is ample material to connect the applicant with the crime. The case of the prosecution is that the false and fabricated documents are prepared by the applicant. It is further the case of the prosecution that the applicant is a history-sheeter and is facing or has faced several prosecutions. The applicant has also been externed, in the past. The specific case of the prosecution is that the applicant threatened Amit Bhirad and forced him to en-cash the cheque.

8] If the applicant is protected, a fair and effective investigation would be impossible. Considering the criminal antecedents of the applicant, the possibility that witnesses shall be influenced or threatened, cannot be ruled out.

9] The application is dismissed.

10] In the midst of the dictation of the order, and when it became clear to the learned counsel Mr. Gandhi that I am dismissing the application, an extremely unfair and inappropriate request was made. Mr. Gandhi sought withdrawal of the application. When he interrupted the order to make the request I informed him that since the Court has commenced dictating the order after disclosing the mind such request shall not be entertained. Undeterred, after the dictation is over, Mr. Gandhi is insisting that it be recorded in the order that he requested for withdrawal. It is under these circumstances that the rejection of request for withdrawal is recorded.

JUDGE

NSN

Nitin
Nikhare

Digitally signed
by Nitin Nikhare
Date: 2020.10.22
12:22:17 +0530