

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

CRIMINAL APPLICATION (ABA) NO.744 OF 2020

(Poltu Motilal Bhattacharjee Vs. State of Maharashtra thr. PSO PS New Kamptee, Tah.
Kamptee, Dist. Nagpur)

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

Court's or Judge's orders.

Mr. N.B. Bargat, Advocate for Applicant.
Mr. V.A. Thakare, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 16th DECEMBER, 2020.

The applicant is apprehending arrest in Crime 495/25020 registered with Police Station New Kamptee, Nagpur for offence punishable under sections 420, 465, 468, 469, 471 read with section 34 of the Indian Penal Code.

2. Vide order dated 9.12.2020 the applicant was extended pre-arrest protection. The applicant has attended the police station as directed.

3. I have perused the case diary. *Prima facie*, it appears that while the applicant may have been negligent, if at all, he may not be aware of the criminal conspiracy.

4. According to the applicant, who was serving as a General Manager with Khushbu Motocorp since 2011.

The said concern is the authorized dealer of Hero Motocorp. A sister concern of Hero Motocorp (Hero Fincorp Ltd.) used to finance the purchasers of the vehicle. According to the prosecution financial assistance is obtained by the accused from the said company in fictitious name. The vehicles are delivered to the accused and the persons in whose name the finance is obtained and the vehicles purchased are not even aware of the transaction.

5. The submission is that all the documents were verified by the finance company and then the documents came to Khushbu Motors. In any event, it is submitted that there is no criminal culpability.

6. The applicant has no antecedent. He is not likely to be unavailable for interrogation, if needed.

7. It does not appear that anything is to be seized from the applicant since the documents are already seized.

8. In this view of the matter, the interim protection granted vide order dated 09.12.2020 is made absolute, subject to the only modification that till the charge-sheet is filed, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE