

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

CRIMINAL APPLICATION (ABA) NO.34 OF 2021

(Sushil s/o Devendra Jain Vs. The State of Maharashtra thr. PSO PS Nandanwan,
Nagpur)

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

Court's or Judge's orders.

Mr. U.K. Bisen, Advocate for Applicant.
Mr. S.S. Doifode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 5th FEBRUARY, 2021.

The applicant is apprehending arrest in Crime 702/2019 registered with Police Station Nandanwan, Nagpur for offences punishable under Sections 408, 406, 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report lodged by Mr. Govind Dayama, an employee of Bajaj Finance alleging that Gaurav Admane, an Executive with Bajaj Finance who was to deal with three shops selling mobiles, including Swastik Mobile of which the applicant's father is the proprietor, misused the documents submitted by customers of Bajaj Finance, availed finance and misappropriated the amount by selling the mobile to persons other than the borrowers shown on record.

3. The role attributed to the applicant, as the person who was then looking after the affairs of Swastik Mobile is that he handed-over nine mobiles to co-accused Gaurav.

4. At this stage, there is no material to suggest that the applicant entered into a conspiracy with the co-accused Gaurav or that he shared a common intention with Gaurav. Even according to the prosecution, co-accused Gaurav was the Executive of Bajaj Finance who was to look after and interact with three shops including Swastik Mobile. It is not an allegation that the applicant received any amount over and above the cost of the nine mobiles sold. Receipts are duly issued and the receipt book is seized. Custodial interrogation, is not necessary.

5. Considering the role attributed to the applicant, and the fact that custodial interrogation is not necessary, the interim pre-arrest protection granted vide order dated 22.01.2021 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