

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

CRIMINAL APPLICATION [ABA] NO.72 OF 2021

[Shirish s/o Anant Deshpande .vs. State of Maharashtra, through PSO, PS MIDC, Nagpur]

Office Notes, Office Memoranda of Coram,
orders

Court's or Judge's

appearances, Court's orders of directions
and Registrar's orders

Shri D.V. Chauhan, Advocate for applicant,
Shri S.D. Sirpurkar, APP for non-applicant.

CORAM : N.B. SURYAWANSHI, J.

DATED : JUNE 14, 2021.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant has filed the present application under Section 438 of the Code of Criminal Procedure apprehending arrest in Crime No.118/2017 registered with M.I.D.C. Police Station, Nagpur for offences punishable under Sections 406, 420, 465, 467, 468, 471 read with Section 34 of the Indian Penal Code.

3. The crime is registered on the basis of report dated 27.3.2017 lodged by Mr. Nitin Umashankar Shriwas. In short, the allegations are that one Rajnish Singh gained his confidence, obtained loan in his name, obtained blank cheques duly signed from the informant

ostensibly to purchase machinery and ultimately did not purchase the machinery. The applicant, at the relevant time, was Branch Manager of Bank of Maharashtra, MIDC Branch, Nagpur, who had sanctioned the loan. The applicant is already retired long back.

4. Heard the learned Advocate for the applicant and the learned Additional Public Prosecutor for the non-applicant-State. The learned APP has made available the case diary. I have perused the same.

5. A charge-sheet is already filed against the main accused namely Shri Rajnish Singh on 2.6.2017.

6. Though the learned APP submitted that the custodial interrogation of the applicant is necessary for the purpose of investigation, he could not justify the reasons for custodial interrogation. The applicant, since is superannuated long back and investigation relates to the documentary evidence, nothing is to be recovered from the applicant. The investigating officer is present today and on his instructions, the learned APP states that the charge-sheet against the present applicant is likely to be filed in the near future.

7. Taking into consideration the fact that the offence is registered in the year 2017 and before that the applicant has retired from the bank, the investigation pertains to documentary evidence and the documents are not in the custody of the applicant, the applicant has made out a case for grant of relief. The applicant was protected by interim order of this Court dated 16.2.2021. Hence, the order :

8. Criminal Application is allowed in terms of interim order dated 16.2.2021, with a condition that the applicant shall attend the concerned Police Station twice a week i.e. Tuesday and Friday for first two weeks between 10.00 am and 2.00 pm and, thereafter, once a week on every Friday between 10.00 am and 12.00 noon, till filing of the charge-sheet. The applicant shall not tamper with the prosecution evidence.

JUDGE