

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

CRIMINAL APPLICATION (ABA) NO. 135 OF 2021

Ravi s/o Lakhan Pariyal
..vs..
State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri R.M. Patwardhan, Advocate for applicant.
Shri A.M. Deshpande, A.P.P. for non-applicant.

CORAM : VINAY JOSHI, J.
DATED : 13/08/2021

In anticipation of arrest in Crime No.83 of 2021 registered with Lakadganj Police Station, District Nagpur for the offence punishable under Sections 406, 420, 468, 471 read with 34 of the Indian Penal Code, the applicant is seeking for pre-arrest bail.

2. It is the prosecution case that the applicant has assured to the informant to get admission to his daughter in Medical College for which he demanded a sum of Rs.15,00,000/- to make necessary arrangements. Accordingly, the informant has paid Rs.5,00,000/-, however, the things were not materialized. Thereafter, as the money was refunded, the report has been filed.

3. Learned Counsel for the applicant by denying the allegations submitted that whatever money was

received by the applicant, has been returned for which the informant gave acknowledgment on stamp paper. According to him, there was no intention to cheat nor the applicant has misappropriated any amount.

4. It is the informants contention that, earlier, he has made similar grievances to the Crime Branch wherein acknowledgment receipt was shown to him. The informant got it privately examined through the Expert and found that it was fabricated one. The case diary bears a photograph of concerned receipt having signature of the informant. Particularly, there are statement of two attesting witnesses who have vouched about the genuineness of the receipt. Admittedly, during the course of investigation, the Police have seized original stamp paper. It is a matter of investigation through Expert to verify about the genuineness of the receipt. Merely because, the applicant was involved in one prior offence of similar nature, his liberty can not be curtailed, particularly when in existing crime his custodial interrogation is not necessary.

5. Already this Court has granted interim protection to the applicant vide order dated 05.03.2021, which is prevailing till date. There is no any complaint of misuse of liberty. In view of that, following order :

(a) The Application stands allowed and

disposed of.

- (b) Ad-interim order dated 05.03.2021 passed by this Court is hereby made absolute on same terms and conditions with further modification that the applicant shall attend concerned Police Station on every Sunday in between 11.00 am to 2.00 pm till filing of charge-sheet or for the period of six months from today, whichever is earlier.

JUDGE

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