

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

Criminal Application (ABA) No. 165 of 2021

(SayyadSadik Patel ..vs.. State of Maharashtra through P.S.O., Ganeshpeth, Tq. & District Nagpur)

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

Court's or Judge's orders

Mr. Rishabh Shukla, Advocate h/f Mr. S. P. Bhandarkar, Advocate for the applicant

Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 07-04-2021

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

2. Vide order dated 17-3-2021, the applicant was granted interim pre-arrest protection in connection with Crime 51/2021 registered with Police Station, Ganeshpeth, Nagpur for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

Paragraphs 5 to 8 of the order read thus :

“5. The applicant is not disputing that he received amount of Rs.81 lacs from Akron Services, WZ 156 Jawala Puri, PVC Market, New Delhi, Vogel Services, G-1 48/10, Shiva Apartments, 13th Main Road, Lakshmaiah Block, Ganganagar, Bangalore, Karnataka and Blockchain Solutions, G-1 48/10,

Shiva Apartments, 13th Main Road, Lakshmaiah Block, Ganganagar, Bangalore, Karnataka, as consideration for purchase of coal.

6. The applicant submits that he was and is ready to supply the coal, however, since the first informant who is a commission agent lodged a false report, the bank account/s in which Rs.60,50,000/- is deposited is attached by the Cyber Crime Branch.

7. The learned counsel for the applicant Mr. Bhandarkar submits that the amount of Rs.18 lacs which according to the Investigating Agency, is withdrawn by the applicant, shall be deposited with the concerned police station within ten days.

8. In short, the submission is that the three purchasers, are more likely than not, to be not aggrieved and the first informant who was asking for an undeserved commission, has lodged a false report due to which it is not possible to give effect to the transaction.”

3. Learned Additional Public Prosecutor Mrs. Kalyani Deshpande confirms that the amount of Rs. 18,00,000/- is duly deposited by the applicant with the concerned police station. Further the three purchasers were contacted by the Investigating Officer and they have addressed a communication to the Investigating Officer which is broadly to the effect that they have empowered the complainant to look after their

interest. It is, therefore, *prima facie* clear that the three purchasers do not have any grievance and the contention of the applicant that the informant is only a broker who is insisting that he be paid certain commission, could have some basis.

4. The interim pre-arrest protection granted vide order dated 17-3-2021 is made absolute with the only modification that till filing of the charge-sheet, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

5. The application is disposed of.

JUDGE

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