

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

CRIMINAL APPLICATION (ABA) NO. 355/2021

Sanjay s/o Shankarrao Pranjale **Versus** State of Maharashtra

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri T.U. Tathod, Advocate for applicant.

Shri I.J. Damle, Advocate respondent.

CORAM : S.M. MODAK, J.

DATE : 29th July, 2021.

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

2. Heard learned advocate Shri T.U. Tathod, for the applicant and Shri I.J. Damle, learned APP for the non-applicant.

3. This Court, has already granted interim protection to this applicant, as per the order dated 17/06/2021. Both the respective learned advocates have tried to convince me in support of their contention. The Ramdaspath Police Station, Akola have registered the offence on 18/01/2021 under Section 420, 406, 468, 471 read with Section 34 against in all three persons. They are, Doctor Shrikant Mangesh Banubakode, Naman William and mother of Naman. Though present applicant is referred as a person involved in the transaction of securing job, he has not been named as an accused person.

4. The applicant is working in Police Department. On perusal of investigation papers, it discloses that he was instrumental in contacting certain persons for securing job in S.B.I. and the job is to be arranged by Accused No.1 – Dr. Shrikant Mangesh Banubakode. The papers also further discloses that the probable candidates have also parted away the money. It also seems that the candidates were called for medical examination at Nagpur and the candidates have subsequently realized that they cannot secure the job in such a manner. I have perused the papers of investigation. The prosecution claims that the present applicant has also played the role and acted as a middleman in between the probable candidates on one hand and accused No.1 – Dr. Shrikant Mangesh Banubakode on the other hand. The statement of concerned witnesses also suggest that the applicant was instrumental in all these transactions. The applicant does not deny the role played by him. In addition to that, he has contended that in fact, he has also paid the amount for his own son, and the probable candidates i.e. Anup Pinjarkar first informant, Sujata Pinjarkar and Laxmi Mankar are his relatives only. Whereas probable candidates i.e. Akshay Pranjale is his son. It is also true that the investigating agency has recorded his statement on 30/03/2021 and on 12/04/2021. The learned Additional Sessions Judge, while rejecting the application has referred to the statement of witness i.e. Santosh Mankar. In the papers, I do find his statement as well as the statement of his wife Laxmibai as said above, the applicant is not denying his role.

5. So, what I find is that the establishment of the

applicant i.e. the Home Department may say that the applicant has exceeded his limit as a Police Personnel. However, when it comes to the question of the custodial interrogation of the applicant in the present crime, what I find is that the interest of the prosecution can be secured by giving attendance to Police Station. It is also happened that there was a complaint against the investigating officers. But I do find that the interim protection needs to be confirmed. Ultimately, after the charge-sheet is filed, the involvement of the applicant can be fortified on the basis of allegation of the prosecution.

Hence, the following order:-

ORDER

- a] Order dated 17/06/2021 is confirmed.
- b] Applicant continue to give attendance as stated in that order till filing of charge-sheet.
- c] Criminal Application is disposed of.

JUDGE