

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

CRIMINAL APPLICATION (ABA) NO. 305 OF 2020

(Sudhakar s/o Uttamrao Thakre ..vs.. State of Maharashtra, through PSO, PS Akot)

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

Court's or Judge's orders

Mr. Sudhir Malode, Counsel for the applicant,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 13-01-2021

Heard.

2. The applicant is apprehending arrest in Crime 285/2020 registered with Akot Police Station for offences punishable under Sections 420, 468 and 471 of the Indian Penal Code.

3. The crime is registered on the basis of report dated 24-6-2020 lodged by Mr. Vedant Rajkumar Jaiswal, who alleged that he is defrauded of nearly Rs.30,00,000/-, by the persons named in the first information report, in as much as he was induced to part with the aforesaid amount on the assurance of providing employment with the Ordnance Factory.

4. The applicant is not named in the first information report.

5. However, in the statement recorded

subsequently, the informant states that when he visited the Ordnance Factory premises alongwith the persons named in the first information report, the applicant was introduced to him as an officer of the Ordnance Factory. According to the prosecution, adopting a similar *modus operandi*, one Rahul Thakur is also duped and the role attributed to the applicant is similar.

6. I specifically asked the learned Additional Public Prosecutor Mr. N.R. Rode whether other than the two statements to which my attention is invited, and in which the only role is that the applicant was introduced the complainant as an Ordnance Factory Officer, whether there is any material in the case diary which would connect the applicant with the fraud. According to the learned Additional Public Prosecutor Mr. N.R. Rode, the two statements is the only incriminating material.

7. The accused who have played the major role are arrested. Considering the limited role attributed to the applicant, custodial interrogation is not necessary. In any event, I am satisfied that the applicant has made out a case for exercise of discretion. This application, therefore, deserves to be allowed.

8. Before parting with the order, I must note that serious allegations are levelled against the Investigating Officer. The Investigating Officer on his part, also blames

the applicant for grave misconduct. Affidavits and counter-affidavits are placed on record by the applicant and the Investigating Officer. Considering the limited scope of the present proceedings, I would refrain from making any decisive observation on the conduct of either the applicant or the Investigating Officer. However, the applicant is at liberty to submit an appropriate application/representation to the Superintendent of Police, Akola and if the Superintendent of Police deems fit, he may enquire into the allegations. This Court expects that the needful shall be done either way, within thirty days from the receipt of the application.

9. The application is allowed. The interim protection granted vide order dated 27-8-2020 is made absolute.

JUDGE

adgokar