

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

CRIMINAL APPLICATION (ABA) NO. 433 OF 2021

Abhijeet Kiran Ingle

..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 S.S. Deshpande, Advocate for applicant.

Shri A.M. Deshpande, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 21/09/2021

Heard.

2. In anticipation of arrest in Crime no.155 of 2021 with the Sadar Police Station, Nagpur City, District Nagpur for the offence punishable under Section 420 of the Indian Penal Code, the applicant is seeking pre-arrest protection.

3. Learned A.P.P. for non-applicant/State resisted bail by filing reply-affidavit.

4. It is the prosecution case that the applicant under the pretext of assigning pharmacy license to the informant, time to time taken money for different purposes and as such he has taken total amount of Rs.1,03,888/-, but no work was done. Therefore, the report about offence of cheating was lodged.

5. Learned Counsel for the applicant to show *bona fides*, has deposited the entire amount of Rs.1,03,888/-. He further submits that he has not directly taken the amount, but one person namely Girish Somiya has demanded money by message. He would submit that there is 8 months delay in lodgment of First Information Report.

6. Perused the First Information Report and case diary. The allegations are that the applicant under the pretext of doing work has taken the amount of Rs.1,03,888/- from the informant. Most of the amount was paid to the applicant by way of bank transaction, meaning thereby there is documentary evidence to that effect.

7. Having regard to the nature of allegations and as the applicant has deposited alleged defrauded money, his liberty can be protected by directing him to join the course of investigation. In view of that following order is passed :

- (a) Criminal Application stands allowed.
- (b) Ad-interim order dated 04.08.2021 is hereby made absolute upon same terms and condition.
- (c) The applicant shall continue to attend concerned Police Station till filing of the charge-sheet or for three months whichever is earlier.

8. The Registry to transmit the amount of Rs.1,03,888/- to the Trial Court, which may deal with appropriately in its discretion.

JUDGE

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