

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

CRIMINAL APPLICATION (ABA) NO. 440/2021

(Shivprakash Kaluram Ruhatiya Vs. 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 S. P. Bhandarkar, Advocate for applicant.
Shri M. J. Khan, APP assisted by Shri S. V. Shirpurkar,
Advocate for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATE : 12.10. 2021.

Heard.

2. In anticipation of arrest in Crime No. 624/2021, the applicant has approached this Court for grant of pre-arrest protection. Considering *prima facie* submission, interim protection has been granted to the applicant vide order dated 17.07.2021 which is prevailing till date.

3. The State has filed reply and matter is ready of hearing. Shri Shirpurkar, learned

2

Advocate for informant has some different grievances besides resistance for grant of protection. He would submit that the investigation is not properly conducted for which he has moved this Court by filing Criminal Writ Petition No. 686/2021 in which notices were issued and the matter is pending. In said criminal writ petition, he has prayed for transfer of the investigation to Economic Offence Wing (EOW) or Crime Investigation Department (CID) or Central Bureau of Investigation (CBI). It is informed by the learned APP that presently Sub-Divisional Police Officer (SDPO), Akola is assigned with the investigation. Obviously, informant is not satisfied by said assignment, as he is agitating his contention in criminal writ petition for transfer of investigation.

4. It is the main contention of informant that since the investigation is not properly conducted, it is not desirable to grant pre-arrest

3

protection on the material which was collected by the shabby investigation.

5. This application cannot be kept pending for indefinite period till the decision of the Criminal Writ Petition No. 686/2021. In the circumstances, to protect the rights of both sides, application stands disposed of with direction to the Investigating Agency that if they intended to arrest of applicant in the crime, they should give 72 hours prior written notice to the applicant.

6. Learned counsel for the applicant would submit that he has deposited amount of Rs. 50,00,000/- to show his bonafides which be permitted to withdraw. The applicant can move for withdrawal after three months, if there there are no directions in the connected writ petition.

7. Application stands disposed of.

JUDGE

Gohane.