

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

CRIMINAL APPLICATION (ABA) NO. 475 OF 2021

Nagesh S/o Sahebrao Pawar
..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 C.B. Barve, Advocate for applicant.
Shri M.J. Khan, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 27/08/2021

Heard.

2. It is the prosecution case that main accused Ganesh Sawarkar has obtained a loan of Rs.6,80,437/- from Bajaj Finance Company on the basis of false and fabricated documents. As co-accused Ganesh Sawarkar did not repaid the loan installment, the Finance Company made an enquiry and learnt about false documents. During the investigation, it was transpired that after obtaining the loan, main accused has transferred the amount of Rs.6,10,000/- in the Bank account of the Applicant's father, on 09.12.2019. Perhaps for said reason, the applicant was called by the Police by suspecting his role.

3. The Applicant has produced the document to show that an amount of Rs.6,10,000/- was already returned to the main accused on 05.01.2021 i.e. prior

to the lodgment of the report. The entire allegations regarding forgery and cheating, are against main accused Ganesh Sawarkar, who has obtained pre-arrest protection by the Sessions Court in Criminal M.A. No.1546 of 2021.

4. The order of rejection of pre-arrest protection of the applicant passed in Criminal M.A. No.2265 of 2021, discloses the same number i.e. Criminal M.A. No.1546 of 2021. Therefore, it appears that there is a mistake of the Sessions Court in mentioning the crime number while releasing the co-accused Ganesh Sawarkar on pre-arrest bail in same crime. Any how, there is no material against the applicant so as to detain him in the custody. In view of above, following order is passed :

- (a) The Criminal Application stands allowed.
- (b) Ad-interim order dated 30.07.2021 is hereby made absolute on same terms and conditions with a modification that the applicant shall attend the concerned Police Station as and when called.

JUDGE