

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

CRIMINAL APPLICATION (ABA) NO. 519/2021

(Ankur S/o Ashok Mohod 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 Anil Mardikar, Sr. Advocate assisted by Shri V. E.
Deshpande, Advocate for applicant.
Shri A. M. Deshpande, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : 28.09. 2021.

Heard.

2. In anticipation of arrest in Crime No.266/2021, registered with the Ambazari Police Station, Nagpur for offence punishable under Sections 420, 468, 471 of the Indian Penal Code, the applicant is praying for pre-arrest protection.

3. It is the prosecution case that the applicant under guise of participating in the Government Tender, has instigated and extracted amount of Rs. 34,70,000/- from the informant Doctor. Moreover, in order to gain faith, the

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applicant has also shown forged and fabricated documents and defrauded the amount.

4. The informant – Medical Officer accidentally came-across with the applicant in hospital. On formal introduction, the applicant stated that if the informant Doctor invests some amount with him, in turn, he would apply for Government Tender for sale of arsenic album medicine which was badly needed in pandemic situation. He assured that on getting tender, they would get huge profit and therefore, by such allurements, the amount was taken, but, there was no refund at all.

5. Perusal of case paper indicates that there are specific bank documents to show that amount of Rs. 34,70,000/- has been deposited by the informant Doctor in the account of applicant. Absolutely, there is no explanation from the informant on such premise. Moreover, case paper contains documents of Bombay Municipal

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Corporation showing that the applicant never participated in tender process. Thus, prima facie element of deceitful intention is apparent. Besides that the prosecution has filed some documents to show that a seal of office of the Deputy Director of Health, Aurangabad has been forged. The other side disputed the said contention, however it is a matter of trial.

6. From the above material supported by case papers, it is evident that the applicant never intended to participate in Government Tender Process but under said pretext, has taken huge amount from the informant. The matter requires investigation.

7. In view of above, applicant is not entitled for pre-arrest bail, hence application stands rejected.

JUDGE