

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

Criminal Application (ABA) No.132 of 2022

Ashish s/o Sunil kumar Patil,

Versus

State of Maharashtra, through P.S.O., Police Station Sitabardi, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R. Ali, Advocate for applicant

Shri V.A. Thakare, A.P.P. for non-applicant /State

CORAM : ANIL S. KILOR, J.

DATED : 17 MARCH 2022

The applicant is seeking pre-arrest bail in Crime No.421 of 2021 registered with Police Station Sitabardi, Nagpur for the offences punishable under Sections 380 and 406 of the Indian Penal Code.

2. The case of the prosecution is that, the flat in question was owned by the wife of the informant Abhijit Parihar and it was given to the applicant on leave and license basis. It is alleged that when the informant visited his flat, he came to know that the applicant illegally sub-let the flat to one Rahul Rathod and articles in the flat were missing.

3. On 10/03/2022, when the matter was heard, the *ad interim* protection was granted to the applicant to enable him to co-operate the Investigating Officer in

investigation by providing the key of the flat, so that after opening the lock put on by the applicant, the police can verify the correctness of the allegations.

4. Today, when the matter was called out, Shri Thakare, learned A.P.P. makes a statement that the applicant has not provided the key and therefore, purpose for which the interim protection was granted to the applicant has got frustrated and no purpose was served.

5. The learned Counsel for the applicant submits that the key of the flat is not with him, it is with the broker and on verification, he got knowledge that the broker has expired. He, therefore, submits that the applicant does not have the key of the flat.

6. Considering the evasive reply of the applicant, it is clear that the applicant does not want to co-operate the Investigating Officer in investigation. It amounts to breach of the conditions of the order dated 10/03/2022.

7. In the circumstances, I am of the opinion that for the investigation, custodial interrogation of the applicant is necessary. Accordingly, I pass the following order:

The application is **rejected**.

[ANIL S. KILOR, J.]

R.S.Sahare