

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

CRIMINAL APPLICATION (ABA) NO.206 OF 2022

(AKASH RAKESH TRIPATHI....VS.. STATE OF MAH. THR. PSO PS PARDI, DIST. NAGPUR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A.Naik, Advocate for Applicant.
Ms Sangeeta Jachak, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : MAY 06 2022.

1. Heard.
2. The applicant is seeking pre-arrest bail in Crime No. 629 of 2021, registered on 24/12/2021 with Police Station, Pardi, Nagpur City for the offences punishable under Sections 420, 467, 468, 469, 471, 472, 504 and 506(2) read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that the complainant is Director in two companies and without disclosing this fact the complaint has been lodged to falsely implicate the applicant in the alleged offence. It is submitted that even if the allegations are taken on its face value, they are mainly against the accused No.1, who is absconding. He submits that custodial interrogation of the applicant is not necessary in this case. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, the learned A.P.P. opposes the application and submits that though this Court while granting ad-interim anticipatory bail it was observed that the applicant shall attend the concerned Police Station as and when his presence is required, when the Investigating Officer tried to contact the applicant on his mobile phone he did not pick up the phone and as such he is not cooperating in the investigation. It is further submitted that the applicant knows the whereabouts of the accused No.1 which he is not providing to the Investigating Officer.

5. In reply, Shri Naik, learned counsel for the applicant submits that the known address and mobile number of the accused No.1 is already provided and more than that the applicant is not having any information.

6. I have perused the case diary and the contents of the First Information Report (FIR).

7. The dispute has arisen out of the commercial transaction and *prima-facie* the allegations are mainly against the accused No.1. As far as the present applicant is concerned, as per the APP, some amount was deposited in his account in the alleged transaction.

8. In the backdrop, I am of the opinion that the custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) The order, dated 30/03/2022, granting *ad-interim* anticipatory bail is confirmed with modification that the applicant shall attend the concerned Police Station on 16, 17, 18 and 19th May 2022 from 09:00 a.m. to 12:00 noon and shall cooperate the Investigating Officer in the investigation.
- iii) Thereafter, the applicant shall attend the concerned Police Station, as and when his presence is required.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the trial Court.

The application is **disposed of** in the above terms.

JUDGE

RRaut.

Signed By: RAJIV BABARAO RAUT
PRIVATE SECRETARY
Signing Date: 06.05.2022 17:06