

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

CRIMINAL APPLICATION (ABA) NO.316 OF 2022

Vikki S/o Pramod Shrivastav

Versus

State of Maharashtra, through P.S.O., P.S. Ajni, Nagpur

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

Court's or Judge's Order

Shri D.C. Daga, Advocate for the applicant.

Shri A.M. Deshpande, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.239 of 2022, dated 16.04.2022, registered with Police Station Ajni, District: Nagpur (City), for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. Shri Daga, learned counsel for the applicant submits that the applicant has resigned long back, as a Director from the company VBPSUNCORP NIDHI Ltd and as such, he is no way connected with the alleged offence. He further submits that the applicant has been falsely implicated in the alleged offence.

3. The learned counsel for the applicant has drawn attention to the notice issued by applicant's Advocate

at Page No.37 of the application, requesting for issuance of Share Certificate. He submits that this document is sufficient to show that on 09.06.2020, the applicant was not the Director of the said company.

4. He lastly points out the company's master data and submits that the date 05.06.2020 mentioned in relation with the applicant in the said data, is the date of resignation of the applicant. Thus, he prays for grant of pre-arrest bail.

5. On the other hand, Shri Deshpande, learned APP strongly opposes the present application. From the Case Diary, he has pointed out that there are receipts relating to payment collected during the investigation, which show that on 26.09.2019, the amount was accepted. He submits that similarly there is a material to show that it is the falsity that the applicant has resigned as a Director.

6. Shri Deshpande, learned APP has pointed out from the notice issued by the Advocate of the applicant at Page No.37 of the application and submits that in this notice, which was issued on 09.06.2020, there is no whisper about resignation dated 05.06.2020.

7. The learned APP further pointed out from Rules of 2014, namely Company Appointments (Payment and Qualifications of Directors) Rules, 2014, that any

Director who wishes to resign, he has to submit the resignation along with Form DIR-11 under his digital signature. He submits that no such form has been filed along with the present application to show that he has resigned. Accordingly, he prays for rejection of the present application.

8. I have perused the Case Diary and also the contents of the First Information Report (FIR).

9. From the Case Diary, it can be seen that the Investigation Officer has collected incriminating material against the applicant.

10. On perusal of notice of Advocate of the applicant at Page No.37 of the application, on which the learned counsel for the applicant has placed heavy reliance, it can be seen that though the said notice was issued on 09.06.2020 i.e. after the alleged date of resignation 05.06.2020, despite the said fact there is no mention about the resignation in the said notice, which creates doubt about the version of the applicant about resignation.

11. The doubt further strengthens after going through the Rules of 2014 which mandates to submit resignation in DIR Form-11 with digital signature of

Director, who wishes to resign. No such form has been produced by the applicant in this case.

12. Thus, *prima facie*, I am of the opinion that this is not fit case for grant of pre-arrest bail. As according to me, custodial interrogation of the applicant will require for further investigation. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]