

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

CRIMINAL APPLICATION (ABA) NO.386 OF 2022

Amol Sasankar **Versus** State of Maha. thr. PSO PS Hudkeshwar, 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.M.Tahaliyani, Advocate for the applicant.

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

Shri V.B. Bhise, Advocate for Assist to Prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 22/06/2022

1. The applicant is seeking bail in Crime No. 342/2022, registered with Police Station, Hudkeshwar Police Station, District Nagpur for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicant submit that though he has not received a single pie in the alleged transactions, and though he is not connected with the alleged offence, he has been arraigned as accused. He has pointed out that in the FIR it is stated that whenever complainant visited the office of M/s Harsh Land Developers, it was told to him that, the original owner of the said company is the present applicant. However, there is no document to show that the applicant has received any amount from the complainant or the complainant ever met the applicant, in relation to the alleged transaction. He, therefore, submits that

the custodial interrogation of the applicant is not necessary in this case.

3. He lastly argues that the agreement which was executed in favour of the complainant, was signed by one Mr. Prashant Manohar Chavhan in a capacity as Power of Attorney holder of the applicant. However, there is no copy of Deed of Power of Attorney to show that the applicant at any point of time given any such Power of Attorney to Prashant Manohar Chavhan. He submits that without verifying the relevant documents, the complainant paid huge amount to Mr. Chavan and after death of said Mr Chavhan, the complaint came to be lodged. Accordingly, he prays for grant of pre-arrest bail.

4. Learned APP strongly opposes the present application and submits that there is sufficient material to show involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the present application.

5. Shri Bhise, learned counsel who is assisting to prosecution on behalf of the complainant, submits that, in the FIR the complainant has specifically stated that whenever he visited the office of M/s Harsh Land Developers, it was informed to him that the applicant is the owner of the said company, and as such, he submits that the applicant is responsible and connected with the alleged offence. He, therefore, prays for rejection of the present application.

6. I have perused the case diary.

7. In the case diary, *prima-facie* there is no document showing that the applicant ever gave any Power of Attorney to Mr. Chavhan to whom the complainant has paid huge amount towards a plot to purchase. *Prima facie*, there is no material available on record to show that the applicant has received any amount from the complainant or the applicant has made any promises about the said plot to the complainant.

8. In that view of the matter, as there is no *prima-facie*, incriminating material available on record against the applicant. I am of the opinion that custodial interrogation is not necessary. Moreover, there is nothing to show that the applicant would pressurize the prosecution witnesses or tampering the prosecution evidence or he will not be available for trial. In that view of the matter, I pass the following order:

- i) The application is **allowed**.
- ii) In the event of arrest, it is directed that the applicant shall be released on bail in connection with Crime No.342 of 2022, registered with Police Station, Hudkeshwar, District Nagpur for the offences punishable under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code on

furnishing P.R. Bond in the sum of Rs. 15,000/-
with one solvent surety in the like amount.

- iii) The applicant shall not tamper with the prosecution evidence.
- iv) The applicant shall not leave the jurisdiction of the concerned Police Station without leave of this Court.

The Criminal Application is **disposed of**
accordingly

JUDGE