

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

CRIMINAL APPLICATION (ABA) NO.422 OF 2022

Nagesh S/o Dilip Adhau

Versus

State of Maharashtra, through P.S.O., P.S. Paratwada, Tq. Achalpur, Dist. Amravati

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

Court's or Judge's Order

Shri D.S. Khushalani, 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.229 of 2022, dated 24.03.2022, registered with Police Station Paratwada, District: Amravati, for the offences punishable under Sections 406 and 408 of the Indian Penal Code.

2. Shri Khushalani, learned counsel for the applicant submits that though the allegations are that the applicant has not deposited the amount of 51 investors, however, there is not a single complaint by any of the investors.

3. He submits that the applicant has been falsely implicated in the alleged offence.

4. He further submits that considering the allegations made in the First Information Report (FIR), custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

5. On the other hand, Shri A.M. Deshpande, learned APP opposes the present application and points out from the Case Diary, the statements recorded by the Investigation Officer during the investigation of all the investors, who have specifically stated in their statements that though the applicant was given amount to deposit in the loan account, the same has not been deposited by the applicant in the loan account of the respective investors. He accordingly, prays for rejection of present application.

6. I have perused the Case Diary and also the contents of the FIR.

7. From the Case Diary, it can be seen that the Investigation Officer has recorded the statements of investors, during the investigation, which support the case of the prosecution.

8. The allegations are serious and as the applicant has defalcated the amount of investors, I am of the opinion that in this case custodial interrogation is necessary and as such, I do not find any merit in the present case for grant of pre-arrest bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]