

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

CRIMINAL APPLICATION (ABA) NO. 459 OF 2022

Shailesh Vijaykumar Jain **Versus** State of Maharashtra, thr. PSO., P.S. MIDC, Tq. and Dist. Akola.

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

Court's or Judge's Order

Shri U.J.Deshpande, counsel for the applicant.
Shri A.M.Kadukar, A.P.P. for the non-applicant/State..
Shri Mohta, counsel for assist to prosecution.

CORAM : ANIL S. KILOR, J.
DATED : 01/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.221 of 2022, registered with Police Station MIDC, District Akola, for the offences punishable under Sections 406,417, 420, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Shri U.J. Deshpande, learned counsel for the applicant submits that, the applicant has been falsely implicated in the alleged offences.

3. He submits that to the extent of payment of Rs.2,94,000/-, the applicant admits the liability. He further submits that, the amount of Rs.50,000/- has already been paid to the son of the complainant . Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, learned APP strongly opposed the present application and he submits that here the

case is of tampering of record and creation of bogus record for transportation of grains.

5. It is pointed out that the applicant was earlier also indulged in the similar offence. Thus, there are criminal antecedents against the applicant.

6. In reply, Shri Deshpande, learned counsel for the applicant points out that the said FIR was quashed by the Hon'ble High Court, on the ground that dispute is of civil nature.

7. Shri Mohta, learned counsel who is assisting the prosecution on behalf of the complainant points out from the documents that, the applicant created documents particularly the bills showing that he purchased the food-grains from the complainant and supplied it to the third party. Whereas, the applicant never purchased it from the complainant. He has pointed out from the bills, the truck number mentioned on the bills prepared by the complainant and the bills issued by the applicant, which are the same.

8. I have perused the case-diary and the FIR filed by the State.

9. The allegations made in the present complaint is that one Rajnish Sharma in connivance with the present applicant who is a broker sold the goods by preparing bogus bills in the name of 'Jain Canvassing' and the concerned businessmen deposited the amount of the goods sold, in the account of the applicant. Thus, there are allegations of misappropriation, forgery and cheating.

10. The documents filed along with the application for permission to assist the prosecution by the complainant, the documents collected by the investigating officer during the investigation and the statements recorded by the investigating officer, show that *prima-facie*, there is incriminating material to show that the bills are forged and bogus documents are created.

11. Thus, considering the *prima-facie* incriminating material against the applicant and looking at the nature and seriousness of the offence, I am of the opinion that custodial interrogation of the applicant is necessary. In that view of the matter, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]