

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

CRIMINAL APPLICATION (ABA) NO.581 OF 2022

Jagdish s/o Sitaram Karwa **Versus** State of Maharashtra, through P.S.O., PS Nandanwan, Nagpur.

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

Court's or Judge's Order

Shri S.S.Sitani, counsel for the applicant.

Shri S.A.Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 18/08/2022

1. The applicant is seeking bail in connection with Crime No. 169 of 2022, registered with Police Station Nandanwan, District Nagpur, for the offences punishable under Sections 120-B, 406, 420, 467, 468, 471 and 472 of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submits that, out of political rivalry, the applicant has been falsely implicated in the alleged offence.

3. He submits that, the applicant has not received a single pie out of alleged payment made by the complainant of Rs. 45 Lakhs. He submits that, there is not a single entry in his bank account to support the prosecution case.

4. He further submits that, the complainant out of political rivalry, not only robbed the applicant into the

alleged offence but his complete family has been robbed into the alleged offence.

5. He lastly argues that, as the complainant lodged a false case against him, the custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

6. Learned APP strongly opposed the present application.

7. I have perused the Case-diary and the FIR.

8. From the case-diary, it can be seen that the statements of Sau. Sangita Jagdish Karwa, Rajesh Sitaram Karwa and Hemant Sitaram Karwa, who are the accused Nos. 2, 3 and 4 respectively were recorded. The statements of accused Nos. 2,3 and 4 and the other material collected by the Investigating Officer during the investigation, create a doubt about the veracity of the allegation made in the FIR.

9. There is nothing to point out from the case-diary that, any amount was received by the applicant as alleged in the FIR. In the circumstances, I am of the opinion that, *prima-faice* possibility of the false implication of the applicant in the alleged case out political rivalry, cannot be ruled out. In that view of the matter, custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) In the event of arrest of the applicant in connection with Crime No. 169/2022, registered with Police Station Nandanwan, District: Nagpur, for the offences punishable under Sections 120-B, 406, 420, 467, 468, 471, 472 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.
- e) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]