

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

CRIMINAL APPLICATION (ABA) NO.599 OF 2022

Mr. Gajanan S/o Damodhar Pachchhao .Vs. State of Maharashtra, through P.S.O., P.S.
Hudkeshwar, Nagpur and another

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

Court's or Judge's Order

Shri Rajnish Vyas, Advocate for the applicant.
Shri T.A. Mirza, A.P.P. for the non-applicants/State.

CORAM : ANIL S. KILOR, J.
DATED : 25/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.226 of 2022, dated 11.04.2022, registered with Police Station Hudkeshwar, District: Nagpur, for the offences punishable under Sections 120-B, 406, 409 and 420 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act.

2. Shri Vyas, learned counsel for the applicant submits that the applicant is 63 years old and the only allegation is that, when the complainant met applicant's son Abhishek Pachchhao, the applicant was present in the office. It is submitted that except this allegation, there is nothing to show that the applicant is involved in the alleged offence.

3. It is submitted that the applicant has been falsely implicated in the alleged offence, as such custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Mirza, learned APP strongly opposes the present application and prays for rejection of the present application.

5. I have perused the Case Diary and the application.

6. From the case diary, it can be seen that the applicant had purchased gold on 21.02.2021 of Rs.1,83,582/- and on 09.09.2021 of Rs.1,61,878/-. The learned APP is emphasizing on these two transactions and according to him, this purchase was made by the applicant from the amount received in the alleged offence.

7. The age of the applicant is 63 years. Thus, considering his age, the above referred transactions, seem to be possible from his own income.

8. *Prima facie*, there is nothing to show that the applicant has received any amount from the alleged crime. The amount involved in the present crime is about 3 crores but nothing has been pointed out that any amount out of Rs.3 crores was received by the applicant.

9. Furthermore, the only allegation made in the FIR, is that, at the relevant time when the complainant met the son of the applicant who is an co-accused in the present crime, the applicant was present in his offence, there is nothing incriminating.

10. Thus, considering the allegations made in the FIR and the fact that there is nothing to show that any amount was received by the applicant in the alleged crime, I am of the opinion that custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.226 of 2022, registered with Police Station Hudkeshwar, District: Nagpur, for the offences punishable under Sections 120-B, 406, 409 and 420 of the Indian Penal Code and Section 3 of the Maharashtra Protection of Interest of Depositors (in Financial Establishment) Act, 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 tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]