

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

CRIMINAL APPLICATION (ABA) NO.602 OF 2022

(DILIP DATTAPRASAD TIWARI....VS.. STATE OF MAH. THR. PSO PS PATUR, DIST. AKOLA.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.S.Mishra, Advocate for Applicant.
Shri S.A.Ashirgade, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 30, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicants are seeking pre-arrest bail in Crime No.0216 of 2022, registered with Police Station, Patur, District: Akola for the offence punishable under Section 409 of the Indian Penal Code.
2. Shri Mishra, learned counsel for the applicant submits that the offence was registered against the applicant under Section 409 of the Indian Penal Code and considering the nature of allegations it can be said that it is not possible by a single person only. He, therefore, submits that the applicant is falsely implicated in the alleged offence.
4. The learned counsel for the applicant submits that the applicant is ready to cooperate the Investigating Officer in investigation. However, there is no need to have custodial interrogation and accordingly, he prays for grant of pre-arrest bail.

5. On the other hand, the learned A.P.P. strongly opposed the application. He submits that the allegations made in the F.I.R. are of serious nature and the amount involved in the present matter is huge i.e. Rs.28,30,396/-. He, therefore, submits that custodial interrogation of the applicant is necessary.

6. I have perused the case diary and the application.

7. In the F.I.R. it is alleged that the applicant while serving as Constable at Police Station, Patur from 14/06/2012 to 31/12/2018 worked as Muddemal Moharrar and Head Moharrar and during the said period of six years, it was revealed that Muddemal worth Rs.24,77,970/- is missing. It is further alleged that Muddemal Register and Cash Bank Deposit Register do not disclose about the bank deposit of Rs.36,389/-. There are further allegations of similar nature and in the departmental enquiry it was noticed that the amount involved is Rs.28,30,396/-. Thus, considering the nature and seriousness of the offence, I am of the opinion that custodial interrogation of the applicant is necessary in this case. Accordingly, I pass the following order:

The application is **rejected**.