

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

CRIMINAL APPLICATION (ABA) NO.626 OF 2022

(YOGESH NAGESHWAR SADLAWARVS.. STATE OF MAH. THR. PSO PS CHANDA CITY, DIST.
CHANDRAPUR)

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

Court's or Judge's orders

Shri S.B.Wahane, Advocate for Applicant.
Shri T.A.Mirza, 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 applicant is seeking pre-arrest bail in Crime No.417 of 2022, registered with Police Station, Chanda City, Chandrapur for the offences punishable under Sections 384 and 385 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that there are no allegations against the applicant that he made any demand from the complainant. It is submitted that the co-accused Nos.1 and 2 demanded amount from the complainant by saying that the applicant had appointed them. On the said basis the applicant has been arraigned as an accused in the present crime. He, therefore, submits that as the applicant is falsely implicated in the alleged offence, custodial interrogation of the applicant is not necessary.

4. On the other hand the learned A.P.P. strongly opposed the application. He submits that there are no documents to show that the applicant is a member or he is an office bearer of the said society. It is further submitted that this is a case of extortion and as the offence is serious custodial interrogation of the applicant is necessary.

5. I have perused the case diary and the F.I.R.

6. In the F.I.R., the allegations are that the accused Nos. 1 and 2 tried to extort some amount from the complainant by saying that they have been appointed by the applicant, who is the President of the Society viz. Manavadhikar Sanshodhan Association. There is no direct allegation against the applicant about the demand of any amount. Thus, considering the nature of the allegations against the applicant, I am of the opinion that the custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) The order dated 23/08/2022, granting ad-interim bail to the applicant, is confirmed.
- iii) The applicant shall attend the concerned Police Station on 05/09/2022 to 09/09/2022 between 10:00 a.m. and 12:00 noon and thereafter as and when his presence is necessary.

- iv) Liberty is granted to the State to apply for cancellation of bail in case the applicant commits similar offence.

The Criminal Application is **disposed of** accordingly.

JUDGE

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