

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

CRIMINAL APPLICATION (ABA) NO. 805 OF 2021

Sameer Sheikh Sattar Sheikh alias Sameer Sattar Ansari

Versus

State of Maharashtra, through P.S.O., P.S. Ram Nagar, Tah. & Dist. Chandrapur

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

Court's or Judge's Order

Shri V.R. Borkar, Advocate for the applicant.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/02/ 2022

1. The applicant has approached this Court by way of this present application filed under Section 438 of the Code of Criminal Procedure for grant of bail in Crime No.1194 of 2020 registered with Police Station Ram Nagar, District Chandrapur on 16.12.2020 for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. It is the case of the prosecution that the complainant lodged a report stating therein that he is a contractor and he was in need of loan. One Pravin Solanki asked for Rs.5,00,000/- from the informant for approving the loan and for further processing fee and logging document charges. Accordingly, on 12.06.2020 with all the documents along with application, the informant visited at the office of Dhanlaxmi Finance Services, Wadgaon, Chandrapur and handed over Demand Draft. of Rs.2,00,000/- to Pravin Solanki. On 10.08.2020, Rs.3,00,000/- in cash

were paid to him. Thereupon, Pravin Solanki assured the informant that the loan will be sanctioned within 10 days. However, even after expiry of ten days as the loan was not sanctioned, the informant contacted Pravin Solanki on his mobile phone, at that time he had given evasive answers and on visiting the office of Dhanlaxmi Finance Services, Wadgaon, Chandrapur, he found that the office was closed and the board of the company was not there in the premises. Thereupon, he got the knowledge that he has been cheated.

3. During the investigation, the police have recorded the statements of witnesses and in two of the statements of the witnesses, wherefrom, it has come on record the role played by the applicant, who had pretended himself as the President of the Mumbai Branch and assured to the applicant to sanction the loan in favour of the complainant.

4. Shri Borkar, learned counsel for the applicant states that there is no role attributed to the applicant in the First Information Report and therefore, he be released on bail. He further submitted that he was granted ad-interim protection vide order dated 29.11.2021 the same may be confirmed.

5. On the other hand, Shri Thakare, learned A.P.P. points out that at the time of granting ad-interim protection, the applicant was directed to attend the Police Station on every Sunday between 12.00 noon to 02.00 p.m. However, he did not attend the Police Station as directed by this Court and therefore there is breach of condition of the order of this Court on 29.11.2021.

6. Shri Thakare, learned A.P.P. further points out from the case diary, that sufficient evidence has been collected by the prosecution to show the involvement of the applicant in the alleged offence. He therefore, submits that as the sufficient material is there against the applicant and furthermore, he has not complied with the directions of this Court, the application may be rejected.

7. This Court on 29.11.2021, while granting ad-interim protection to the applicant, vide clause (c) of the order, he was directed to attend the concerned Police Station on every Sunday in between 12.00 noon to 02.00 p.m. till further orders.

8. Shri Borkar, learned counsel for the applicant has fairly stated that this condition has not been fulfilled by the applicant.

9. On perusal of the F.I.R., it is revealed that *prima facie* material is there against the applicant which shows involvement of the applicant. Thus, in the above referred backdrop, I am not inclined to allow this application and confirmed the order dated 29.11.2021.

Accordingly, the application is **rejected**.

[ANIL S. KILOR, J.]

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