

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

CRIMINAL APPLICATION (ABA) NO.815 OF 2022

(PANDHARI NAGORAO JAYNURE...VS.. STATE OF MAH. THR. PSO PS CHANDRAPUR CITY)

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

Court's or Judge's orders

Shri S.D.Chopde, Advocate for Applicant.
Ms Shamsi Haider, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 06, 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.375 of 2022, registered with Police Station, Chandrapur City for the offences punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, 1860.
3. The allegations in this case are that the accused persons including the applicant duped the informant on the pretext that they will provide employment to the informant and against the same a huge amount was asked to pay to the informant but the promise of employment was not fulfilled by the accused persons, though the informant paid the amount.

4. Shri Chopde, learned counsel for the applicant states that the applicant himself is the victim and he paid the amount to the main accused Panchbuddhe on his promise that he will provide an employment. He submits that because of demand by the applicant to the main accused for returning of amount, he has been falsely implicated in the alleged offence by disclosing his name as accomplice.

5. The learned A.P.P., on the other hand, points out from the case diary that there are exchange of messages between the applicant and the main accused, which *prima-facie* suggests his involvement in the alleged offence. She therefore, submits that *prima-facie* incriminating material is available and in view of the seriousness of the offence custodial interrogation of the applicant is necessary.

6. After going through the case diary, it is revealed that the Investigating Officer has collected the details of the messages exchanged between the main accused and the applicant, which *prima-facie* connects the applicant with the alleged offence.

7. As far as the submission of the learned counsel for the applicant that the applicant himself is a victim there is no complaint lodged by the applicant till date against the main accused about any such cheating.

8. In that view of the matter, since there is *prima-facie* material and the Investigating Agency wants custodial interrogation of the applicant, I am of the opinion that the applicant is not entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

The application is **rejected**.

JUDGE

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