



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

CRIMINAL APPLICATION (ABA) NO.154 OF 2024

(Parvez @ Pappu s/o Mohammad Sharif Patel Vs. State of Maharashtra thr. its PSO
PS Tirora, Dist. Gondia)

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

Court's or Judge's orders.

Mr. P. K. Bezalwar, Advocate for Applicant.
Mrs. H. N. Prabhu, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 27th MARCH, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.1034/2023 registered with Police Station Tirora, District Gondia for the offence punishable under Sections 120-B and 420 of the Indian Penal Code, the applicant approach to this Court for grant of pre-arrest bail.

2. The allegation against the present applicant is on the basis of report lodged by Dinesh Ganpat Kawadkar alleging that he had invested Rs.3,00,000/- on 10.04.2023 with one Atul Asatkar who promised him to double the amount by investing in Online Trading. On 24.04.2023 the informant again invested Rs.5,00,000/-. Before investing the said amount with Atul Asatkar the informant verified the genuineness of Atul Asatkar from his friend Ashok Chauhan and said Ashok Chauhan also informed that he has also invested the amount with Atul Asatkar. As per the allegation

during enquiry it revealed to the informant that the house of Atul Asatkar was locked and he came to know that now he is absconding. As far as present applicant is concerned the allegation is only to the extent of investment.

3. The learned counsel for the applicant submitted that considering the allegations, the custodial interrogation of the present applicant is not required. Moreover, now he has attended the police station and co-operated with the Investigating Agency. In view of that, ad-interim protection granted to the present applicant deserves to be confirmed.

4. The learned APP strongly opposed the application on the ground that another co-accused is already absconding. Moreover, the amount which is invested by the present applicant requires to be recovered. In view of that, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that at the most the allegations against the present applicant is only to the extent of the inducement, there is no allegation that neither the present applicant has issued any cheque or obtained any money from the informant. The offences alleged are punishable with imprisonment upto seven years. There is no compliance by the Investigating Officer in view of decision of Hon'ble Apex Court in the case of ***Satender Kumar Antil v. Central Bureau of Investigation Live Law S.C. 577*** as no

notice under Section 41 of the Code of Criminal Procedure is issued by recording reasons of arrest. In view of that and considering the fact that the applicant has already co-operated the Investigating Agency by attending the police station ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

- [i] The application is allowed.
- [ii] The interim protection granted to the present applicant – Parvez @ Pappu s/o Mohammad Sharif Patel in connection with Crime No.1034/2023 registered under Sections 120-B and 420 of the Indian Penal Code is confirmed on the same terms and conditions.

6. The application is disposed of.

JUDGE