



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

CRIMINAL APPLICATION (ABA) NO. 202 OF 2024

Prashant Thakurdasji Rathi Vs State of Maharashtra

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

Court's or Judge's Order

Mr. Firdos Mirza, counsel with Mr. P.W. Mirza, counsel for the applicant.
Mr. C.A. Lokhande, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/07/2024.

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No. 127/2024 registered with Police Station Frezarpura, District Amravati for the offence punishable under Sections 324, 342, 364, 395, 397, 506(2) of the Indian Penal Code, 1860, the applicant approach this Court for grant of pre-arrest bail.

2. The allegation against the present applicant is that he is serving as a Senior Clerk at Panchayat Samiti, Amravati, and prior to that, he was working in the Education Department. The informant got acquaintance with the present applicant and the co-accused – Atul Puri. Eight months prior to the present FIR, the applicant had informed the informant that one vacancy for the post of lecturer at Biyani College is available, and if somebody is interested, he should be contacted.

3. It is further alleged that one clerk, namely Mahalle, approached Puri and informed him that his wife was

interested for the said vacancy, and pursuant to that, the informant had a meeting with Atul Puri and the others, and at the relevant time, the amount of Rs. 15,00,000/- was paid to the present applicant, and the rest of the amount was agreed to be paid. At that time, the amount of Rs. 15,00,000/- was agreed to be paid to the applicant. The informant and one Shyam Kumbithop was paid Rs. 10,000/- each by the applicant. After a few days, Puri started calling the informant and making inquiries in respect of the job which was promised. On 13/02/2024 at about 9.30 a.m. Atul Puri telephonically contacted the informant and asked him to meet therefore, the said Atul Puri came in a four-wheeler and forcibly took the informant in the said vehicle, and after that, they went to some other area wherein the present applicant and the co-accused joined them.

4. It is further alleged that he was threatened and assaulted with a belt and plastic pipe, and the informant stated that he had received the amount from the Mahalle couple to be given to the society, and it is alleged that four unknown persons forcibly took out Rs. 4,200/- from the informant.

5. Learned counsel Mr. Mirza for the applicant, submitted that the entire story narrated by the informant itself is improbable and unacceptable. He submitted that, due to the similar modus operandi of the informant, the crime is also registered against the informant. He submitted that, as far as the present crime is concerned, custodial

interrogation is not required, as the applicant has cooperated with the investigating agency after the applicant was protected by granting ad-interim protection. In view of the above, he submitted that the interim protection granted to the present applicant deserves to be confirmed.

6. Learned Additional Public Prosecutor strongly opposed the said application on the ground that, considering the serious allegation against the present applicant, his custodial interrogation is required, and therefore, the prayer for grant of ad-interim protection deserves to be rejected.

7. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that the investigation is on the verge of its completion. As far as the custodial interrogation is concerned, there is no complaint that applicant has not cooperated with the investigating agency. As far as the submission of the learned counsel for the applicant that crime is registered against the informant is supported by the copy of the FIR which is placed on record. Considering that, the investigation is almost on the verge of completion, and custodial interrogation is not required. In view of that, interim protection deserves to be confirmed. Accordingly, I proceed to pass the following order;

- a) The interim protection granted to the applicant dated 22/03/2024 is confirmed with similar terms and conditions.

- b) Condition No. b. modified as under – The applicant shall attend the concerned police station as and when required for the investigation purpose till filing of the charge-sheet.

The criminal application stands disposed of.

[URMILA JOSHI-PHALKE, J.]