



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

CRIMINAL APPLICATION (ABA) NO.496 OF 2024
(Ganesh s/o Krushnaji Tambuskar Vs. The 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. J.S. Chilotra, Advocate for applicant.
Mr. K.R. Lule, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 29, 2024.

Apprehending the arrest at the hands of police, in connection with Crime No. 43/2024 registered with Police Station Ranapratap Nagar, Nagpur for the offence punishable under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860 and later on added Section 406 read with Section 34 of the Indian Penal, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by Priti Hemant Lanjekar on an allegation that fake account was open in her name and some money was transferred in the said account which was withdrawn by the wife of the present applicant. On the basis of said report, police have registered the crime against the co-accused. He submitted that as far as the present applicant is concerned his name is not mentioned in the

FIR even the statement of his wife also shows that it was she who has handled the said account and withdrawn the amount as well as transacted in the said account. Thus, considering no role is attributed to the present applicant, merely because being husband of the co-accused he is implicated in the alleged offence. In view of that, interim protection granted to the applicant deserves to be confirmed.

3. Learned APP strongly opposed the said application on the ground that the amount is withdrawn by the present applicant as well as the co-accused, and therefore, the custodial interrogation of the present applicant is required.

4. I have heard learned Counsel for both the parties. Perused the entire investigation papers from which, it reveals that name of the present applicant is not mentioned in the FIR. The handwriting Expert opinion also shows that the handwriting which matches with the handwriting of the co-accused. The statement of the co-accused also shows that she has transacted in the said account. As far as present applicant is concerned absolutely there is no material which shows his connection with the alleged offence. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

5. Hence, the application is allowed. The interim protection granted to the present applicant vide order

dated 09/07/2024 is hereby confirmed on the same terms and conditions.

6. The applicant shall attend the concerned police station as per the earlier direction, till filing of the charge-sheet.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*