



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

CRIMINAL APPLICATION (ABA) NO.469 OF 2023

(Shruti Rahul Jain Vs. The State of Maharashtra)

AND

CRIMINAL APPLICATION (ABA) NO.470 OF 2023

(Rahul Kamalkumar Jain 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. H.R. Gadhia, Advocate h/f Mr. A.S. Tiwari, Advocate for the applicants.
Mr. A.B. Badar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- APRIL 8, 2024.

Both the applications are for seeking anticipatory bail in connection with Crime No.519/2023, registered with Police Station Hudkeshwar, Nagpur for the offence punishable under Sections 420, 465, 467, 468, 471, 120- B, 504 and 506 read with Section 34 of the Indian Penal Code.

2. The applicants are apprehending arrest at the hands of police as crime is registered on the basis of the directions given by the Judicial Magistrate First Class, Nagpur, by passing the order below the application under Section 156(3) of the Code of Criminal Procedure. As per the allegation the present applicant Shruti Rahul Jain is the wife of co-accused Rahul Jain and the other applicant is Rahul Jain. The informant was having good relations with Rahul Jain and he has paid the amount of Rs.1,25,000/- which was lent from said Rahul Jain. Thus,

there was a family relationship between the. The present applicant and the co-accused Rahul Jain have obtained Pan Card, Aadhar Card, Electricity bill and Tax Receipt from the informant to obtain the loan to purchase the vehicle. They have also obtained 15 blank cheques from him and said documents are misused by the present applicant and her husband Rahul Jain and opened the GST account. With the help of this GST account, they have duped the Government as well as the informant. On the basis of the said report, police have registered the crime against the present applicants.

3. Learned Counsel for both the parties have submitted that during the pendency of this application, the applicants and the informant have settled their dispute and proceeding for quashing of the FIR is also filed which is pending before this Court vide Criminal Application (APL) No.429/2024. Considering the same, learned Counsel for the applicants submitted that the physical custody of the present applicants is not required as nothing is to be recovered from them, therefore, the ad-interim protection granted in their favour deserves to be confirmed.

4. Learned APP submitted that though the matter is settled between the parties but considering the allegations made, the custodial interrogation of the present applicants is required and prays for rejection of the applications.

5. I have heard learned Counsel for both the parties. Perused the FIR. As far as the allegations are concerned which appears that there was a transaction between them and the present applicant has obtained the blank cheques and documents from the informant. Now, they have already settled the dispute and the proceeding for quashing of the FIR is also filed. Considering that now the custodial interrogation of the present applicants is not required. In view of that the interim protection granted to them deserves to be confirmed on the similar terms and conditions.

6. Both the applications are allowed.

7. The ad-interim protection granted in favour of both the applicants is hereby confirmed on the same terms and conditions.

8. Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*