



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

CRIMINAL APPLICATION (ABA) NO.597 OF 2024

Santosh s/o Balaprasad Vyas
Vs.

State of Maharashtra, Through Police Station Officer, MIDC,
District Nagpur

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

Court's or Judge's orders

Mr. U. P. Dabale, Counsel for the applicant.
Mr. N. B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/09/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.682/2024 registered with Police Station M.I.D.C., Nagpur, for the offences punishable under Sections 406, 420, 504 and 506 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Vitthal Namdeo Upare alleging that the present applicant who is his neighbour who induced him by informing that if he invest the amount in a share market he would get the handsome returns. On his inducement the complainant has invested the amount. Initially, he has received amount of Rs.1,47,000/- and subsequently he has not received any benefit and therefore, he approached the Police Station to lodge

the report.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned which is only to the extent of giving an advise to the informant to invest the amount and accordingly the informant has invested the amount. Therefore, the custodial interrogation of the present applicant is not required. Moreover, the applicant has co-operated with the investigating agency after he is protected by granting ad-interim protection, in view of that, the ad-interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the application and submitted that the considering the nature of the offence which is economic offence in the nature and therefore, the custodial interrogation of the present applicant is required, in view of that the application deserves to be rejected.

5. After hearing the learned Counsel for the parties, perused the recitals of the FIR from which it reveals that there is only allegation of the inducement against the present applicant. The informant appears to have received the returns initially on his investment, but as subsequently, he has not received the returns and therefore, this FIR came to be lodged. As far as the nature of the

offences are concerned for which punishment up to seven years is provided. In view of the judgment of the Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation, [(2022) 10 SCC 51]**, there is no reasons recorded why the arrest of the present applicant is required.

6. Considering the nature of the allegations, the custodial interrogation of the present applicant is not required. Moreover the applicant has co-operated with the investigating agency, in view of that interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The interim protection granted to the present applicant by order dated 21.08.2024 is hereby conformed with the condition that he shall attend the concerned Police Station once in a week on every Monday between 10.00 a.m. and 1.00 p.m., till filing of the charge-sheet.
- (iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)