



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

CRIMINAL APPLICATION (ABA) NO.319 OF 2023

Mohini w/o Rambhau Dorkar

Vs.

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

WITH

CRIMINAL APPLICATION (ABA) NO.567 OF 2023

Aashish s/o Rambhau Dorkar

Vs.

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

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

Court's or Judge's orders

Mr. S. V. Sirpurkar, Advocate for applicants.
Mr. V.A. Thakare, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.91/2023 registered with Police Station, MIDC, Akola, District Akola, for the offences punishable under Sections 409, 420 read with Section 34 of the Indian Penal Code.

2. The applicants namely Mohini w/o Rambhau Dorkar and Aashish s/o Rambhau Dorkar approached this Court for grant of pre-arrest bail.

3. The accusation against the present applicants is that the applicant Aashish Dorkar is the

Proprietor of M/s. Mahananda Krushi Udyog, who had purchased the Gram through agent Manish Jain, but never paid the price in spite of continuous follow. When the informant and other victims visited the godown of co-accused Narendra, it was realized that the commodities which had been stocked earlier then have been removed. On the basis of said report, the crime is registered against the present applicants along with the other co-accused for the offence punishable under Sections 409, 420 and 120-B read with Section 34 of the Indian Penal Code.

4. Learned Counsel Mr. Sirpurkar for the applicants submitted that as far as the present applicants are concerned, it is alleged that they have obtained the said Gram through the Broker Manish Jain. In fact, the entire goods are found with Sailash Udyog. He further submitted that entire goods are now seized and nothing is to be investigated by sending the present applicants behind bar. Now, the investigation is also completed, charge-sheet is filed and therefore, the interim protection granted to the present applicants deserves to be confirmed.

5. Learned APP strongly opposed the application on the ground that several agriculturists were duped by obtaining the food grains from them without paying them any amount. The involvement of the present applicants revealed during the investigation. Though charge-sheet is filed, their

custodial interrogation is required. In view of that, the application deserves to be rejected.

6. Having heard the learned Counsel for the applicants and on perusal of the investigation papers, it appears that now entire stocks are already recovered. As far as the allegation against the present applicants is concerned, they have issued the forged receipts. Now, the investigation is completed and charge-sheet is filed. The custodial interrogation of the present applicants is not required.

7. Considering that, now the investigation is already completed. After the applicants are released on ad-interim anticipatory bail, they have cooperated with the investigating agency. Now the entire stocks are also recovered. In view of that, interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) Criminal Application (ABA) No. 319/2023 and 567/2023 are allowed.

(ii) The applicants **Mohini w/o Rambhau Dorkar and Aashish s/o Rambhau Dorkar** are released on anticipatory bail in the event of their arrest, in connection with Crime No.91/2023 registered with Police Station, MIDC Akola, District Akola for the offences punishable under Sections 409, 420 and 120-B read with Section 34 of the Indian Penal Code, on executing PR bond

(4)

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in the sum of Rs.50,000/- each with one solvent surety in the like amount.

(iii) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

(iv) The applicants shall attend the trial Court regularly without seeking any exemption unless there are exceptional circumstances.

Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J.)