



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

CRIMINAL APPLICATION (ABA) NO.595 OF 2023

(Parag s/o Ramprasad Makde and anr. 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. S.G. Karmarkar, Advocate for the applicants.
Mr. S.S. Hulke, APP for the non-applicant/State.

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

Heard.

2. By this application, the applicants are seeking anticipatory bail in connection with Crime No.366/2023 registered with police station Tumsar, District Bhandara for offence punishable under Sections 406, 420 read with Section 34 of the Indian Penal Code.

3. The applicants are apprehending arrest at the hands of police as crime is registered on the basis of report lodged by one Deepa Dinesh Dongare on allegations that she as well as other prosecution witnesses got acquaintance with the present applicants and they insisted them to obtain the loan from various Pat-Sanstha and banks and obtained the amount of Rs.43,13,000/- from them and not returned back. On the basis of said report, police have registered the crime against the present applicants.

4. Learned Counsel for the applicants submitted that as far as the allegations are concerned there is no material to show that the present applicants have received the said amount.

5. The recitals of the FIR shows that the informant and other witnesses have obtained the loan. Though it is alleged that the said loan amount was handed over to the present applicants and they have purchased some assets from the said amount however, there is no material to connect the present applicants with the alleged offence. Their custodial interrogation is not required and they be protected by granting anticipatory bail.

6. Learned Additional Public Prosecutor strongly opposed the said application on the ground that during the course of the investigation, it revealed that these are the persons who insisted the informant and other witnesses to obtain the loan. From the said loan amount, they have purchased various assets and cheated at least 24-25 persons. Their custodial interrogation is required and therefore, application deserves to be rejected.

7. Having heard learned counsel for parties and perused investigation papers and various statements. It reveals from the statements that all the witnesses have obtained the loan amount in their own account and they

have alleged that said amount was handed over to the co-accused Jyoti Makde and said Jyoti Makde was paying the instalments. As far as the present applicants are concerned, some witnesses have alleged that the amount was transferred from the account of applicant No.2 in their account. It is further alleged that the present applicants have obtained the assets by using the said amount in their names however, during the investigation nothing revealed to show that present applicants have purchased the various assets by using the said amount. Considering the nature of the investigation, custodial interrogation of the present applicants is not required. No *prima facie* case is made out to hold that their custodial interrogation is required for the interrogation purpose. In view of that the application deserves to be allowed by imposing certain conditions. Accordingly I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicants –
1) Parag s/o Ramprasad Makde and
2) Sau Nandini w/o Rahul Lende in
connection with Crime No.366/2023
registered with police station Tumsar, District
Bhandara for offence punishable under
Sections 406, 420 read with Section 34 of the
Indian Penal Code, be released on
anticipatory bail on executing a P.R.Bond in

the sum of Rs.25,000/- each with one solvent surety each, in the like amount.

(iii) The applicants shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*