



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

CRIMINAL APPLICATION (ABA) NO. 708 OF 2023

Shri Sumit s/o Anilkumar Dey 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. C. Kulkarni, counsel for the applicant.

Mr. Nikhil Joshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 01/03/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 553/2022 registered with Police Station Jaripatka, District Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860. The applicant approached this Court for grant of pre-arrest bail.

2. The learned counsel for the applicant submitted that the custodial interrogation of the present applicant is not required. The offence alleged is not punishable with imprisonment of more than seven years. In view of that, he be protected by granting pre-arrest bail.

3. The learned APP strongly opposed the said application on the ground that the allegation against the present applicant is that he is a broker and dealing with the TMT Steel Rods. It is alleged that the informant is running a business of selling and purchasing of steel and scrap, throughout India under the name and style of M/s Laxmi

Enterprises. The complainant is also dealing with TMT steel from other states and sale it to other customers and get the commission. The complainant was duped on the assurance that the scrap of TMT Steel would be provided on a cheaper rate and the money was obtained from him and thereafter, the complainant was duped. On the basis of said report, the police have registered the crime. He submitted that considering the offence punishable with imprisonment less than seven years. The notice under Section 41A of Cr.P.C. is issued to the present applicant but the present applicant has not attended the concerned Police Station and now, he is not traceable. In view of that, the application for grant of pre-arrest bail deserves to be rejected.

4. Having heard learned counsel for the applicant and learned APP for the state, perused the investigation papers. In view of the order passed by this Court on 31/01/2024, the Investigating Officer has issued the notice under Section 41-A of Cr.P.C. but the applicant has not complied with the notice and now, the applicant is not traceable. In view of that, the application for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]