

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

CRIMINAL APPLICATION (ABA) NO.371/2017

Shri Rajesh Thawardas Thutheja

..Vs..

State of Maharashtra, through Police Station Officer, Police Station, Dhantoli,
Nagpur

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

Court's or Judge's orders

Shri K.K. Sachdev, Adv. for the applicant.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 20.6.2017.

Heard.

The applicant, apprehending arrest in crime registered against him for the offence punishable under Sections 120-B, 448, 468 and 471 of the Indian Penal Code, has sought pre-arrest bail.

The crime is registered against the applicant and his nephew as per directions given by the learned Magistrate under Section 156(3) of the Code of Criminal Procedure. The accusations against the accused are that they have fabricated the agreement of sale dated 3rd February, 2002 and have illegally taken possession of the shop block in question.

According to the applicant, complainant Dr. Jayant Prabhakar Pande who happens to be friend and doctor of applicant's brother agreed to sell shop in question to the complainant for Rs.2,50,000/- and accordingly the agreement dated 3rd February, 2002 was

executed and at the time of agreement Rs.50,000/- were paid to Dr. Pande and later on amount of Rs.1,50,000/- is paid to him by cheque. The applicant contend that he is in possession of the shop block and had been paying municipal taxes and to support this submission the photocopies of receipts showing payment of municipal taxes from 2005 onwards are placed on record. The applicant has also placed on record photocopies of receipts showing payment of electricity bills from 2005 onwards.

The applicant claims to be a Businessman and has stated that he is not involved in any other crime / offence.

The applicant is granted protection by order passed by this Court on 6th June, 2017. The investigating agency has complained that the applicant has not co-operated with the investigating agency inasmuch as the page No.3 of the alleged agreement is not being made available by the applicant. Except for this, there is no other complaint by the investigating agency.

Considering the facts of the case and the nature of accusations against the applicant, I am of the view that the interim order granted on 6th June, 2017 is required to be confirmed. The application is **allowed** accordingly.

JUDGE