

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

CRIMINAL APPLICATION (ABA) NO.545/2017

Nawab Khan S/o German Khan

..Vs..

The State of Maharashtra, through Police Station Officer, Jaripatka Police
Station, Nagpur

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

Court's or Judge's orders

Shri Junaid Ahmed, Adv. for the applicant.
Shri M.J. Khan, A.P.P. for the non-applicant / State.

CORAM : Z.A.HAQ, J.

DATE : 2.8.2017.

Heard.

Apprehending arrest in connection with Crime No.364/2017 registered by the non-applicant for the offence punishable under Sections 384, 387, 506-B read with Section 34 of the Indian Penal Code, the applicant has sought pre-arrest bail.

The accusations against the applicant are that the applicant's brother Parvez Khan and his wife occupied the house of complainant as lessee for 6 months from 1st October, 2013 to 31st March, 2014, however, subsequently they refused to vacate the premises and are continuing in possession without paying anything and the applicant is demanding Rs.2,00,000/- to vacate the premises. It is alleged that the applicant gave threats to the complainant and demanded the amount of Rs.2,00,000/-.

The application is opposed on the ground that investigation is in progress, custody of applicant is required for investigation and that the applicant is habitual offender. It is pointed out that earlier Crime No.487/2013 is registered against him for the offence punishable under Sections 120-C, 143, 506-B, 107, 468 and 471 of the Indian Penal Code and Section 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Prima facie, it appears that the dispute is of civil nature. Though the application is opposed on the ground that the custodial interrogation of applicant is necessary, in the facts of the case, it cannot be said that custody of applicant is necessary for investigation.

The applicant, aged about 25 years, claims to be a businessman and has stated that he is permanently residing on the address given in the cause title of the application.

Considering the facts of the case and nature of accusations against the applicant, the order passed by this Court on 27th July, 2017 granting protection to the applicant is confirmed.

The application is **allowed** accordingly.

JUDGE