

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

CRIMINAL APPLICATION [ABA] NO. 653/2021.

Kailash Gangaram Naik

-Versus-

State of Maharashtra, through Balapur Police Station, District Akola.

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

Court's or Judge's orders

Shri M. Rai, Advocate for the Applicant.

Shri A.M. Chutke, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : NOVEMBER 16, 2021

Heard.

2. The applicant has agreed to sell his motor vehicle namely Truck to the informant for a valuable consideration of Rs.6 lakhs under agreement dated 26.11.2019. On the date of agreement, the applicant had received partial consideration of Rs.4 lakhs and it was agreed between the parties that at the time of transfer of vehicle, he would be paid remaining amount of Rs.2 lakhs. It is informants case that despite his insistence, the applicant has not transferred ownership of the truck by accepting remaining consideration, and hence the report for cheating and creating documents

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for the purpose of forgery.

3. Record indicates that at the instance of directions issued by the Magistrate under Section 156[3] of the Code of Criminal Procedure, a crime came to be registered. Perusal of the agreement discloses that time was not fixed for performance. Prima facie, there is no material to indicate that since inception the applicant was carrying an intention to deceive the informant. Though the State has contended that the applicant has sold the truck to one Nasir Ahmed, however, affidavit in resistance of this statement has been filed. Moreover, it is submitted that till date the truck stands in the name of applicant in the records with the RTO, and he is possession thereof.

4. Having regard to these facts and as there is no need to have custodial interrogation, the applicant has made out a case for grant of pre-arrest protection, hence, the following order.

- (i) Criminal Application is allowed and disposed of.
- (ii) Ad-interim order passed by this Court on 29.09.2021, is hereby made absolute on same terms and conditions as incorporated therein.

Order

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- (iii) The applicant shall continue to attend the concerned police station till the date of filing of charge sheet or for a period of 90 days, which ever is earlier.

JUDGE

Rgd.

RAKESH
GANESHLAL
DHURIYA

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