

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

CRIMINAL APPLICATION (ABA) NO.313 OF 2022

Raju S/o Narayan Ingale and another

Versus

State of Maharashtra, through P.S.O., P.S. Ner, Tq. Ner, Dist. Yavatmal

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri J.B. Kasat, Advocate for the applicants.

Shri A.M. Deshpande, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 16/06/2022

1. The applicant is seeking bail in Crime No.78 of 2022, dated 28.02.2022, registered with Police Station Ner (Parsopant), District: Yavatmal, for the offences punishable under Sections 420, 468 and 424 read with Section 34 of the Indian Penal Code.

2. Shri Kasat, learned counsel for the applicants submits that the complainant and the applicants are the brothers and out of property dispute the present First Information Report (FIR) came to be lodged. It is submitted that the applicants have been falsely implicated in the alleged offence. He lastly submits that the nature of the dispute is civil and therefore, custodial interrogation is not necessary.

3. On the other hand, Shri Deshpande, learned APP opposes the application.

4. I have perused the Case Diary and also the contents of the First Information Report (FIR).

5. From the allegations made in the FIR, it can be seen that the dispute is about the property in between the brothers and the nature of dispute is civil. Accordingly, I am of the opinion that the custodial interrogation of the applicants is not necessary. Hence, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 05.05.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicants shall attend the concerned Police Station as and when their presence is required.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]