

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

CRIMINAL APPLICATION (ABA) NO.392 OF 2022

Rahul S/o Devidasji Vairagade and another

Versus

State of Maharashtra, through P.S.O., P.S. Umrer, Nagpur

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

Court's or Judge's Order

Shri C.B. Barve, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 29/06/2022

1. The applicant is seeking pre-arrest bail in Crime No.304 of 2022, dated 17.05.2022, registered with Police Station Umred, District: Nagpur (Rural), for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code.

2. Shri Barve, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence, as he is no way connected with the alleged offence.

3. He further points out the settlement between the co-accused and the original land owner, moving out of the partnership. He therefore, submits that the applicant is no way connected with the alleged offence.

4. On the other hand, Shri T.A. Mirza, learned APP opposes the present application and submits that knowing well the plot in question was not owned by the applicant, he entered into agreements relating to the said plot and received money towards its consideration.

5. He further submits that sufficient material showing involvement of the applicant is collected during the investigation. Accordingly, he prays for rejection of the present application.

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

7. The dispute is about the sale and purchase of plot. *Prima facie*, it appears that the complainant has not taken necessary care before entering into an agreements with the applicant. He ought to have verified the title before entering into an agreements.

8. Be that as it may, the applicant is in jail from last one month and considering the fact that there are no criminal antecedents to the discredit of the applicant and further looking to the allegations made in the FIR, I am of the opinion that further custody of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 14.06.2022, granting *ad interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station on 1st and 16th day of each month, till filing of the charge-sheet.
- c) The applicant shall not tamper with the prosecution witnesses.
- d) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]