

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

CRIMINAL APPLICATION (ABA) NO. 439 OF 2022

Pratik s/o Arvind Bambale **Versus** State of Maharashtra, through PSO PS Kapil Nagar, Nagpur.

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

Court's or Judge's Order

Shri S.Wahane, Advocate for the applicant.

Shri S.D.Sirpurkar, A.P.P. for the non-applicant /State.

Shri G.R. Gajbhiye, Advocate for the Assist to prosecution.

CORAM : ANIL S. KILOR, J.

DATED : 12/07/2022.

1. The applicant is seeking pre-arrest bail in Crime No.160 of 2022, registered with Police Station, Kapil Nagar, District Nagpur, for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

2. Shri Wahane, learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. He further submits that considering the allegations made in the FIR, the custodial interrogation of the applicant is not necessary, as the necessary documents have already been seized by the Police. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, Shri S.D. Sirpurkar, learned APP strongly oppose the present application and points out

that there are criminal antecedents against the applicant, of similar nature.

4. It is submitted that, during the investigation the Investigating Officer has collected sufficient incriminating material against the applicant. Moreover, considering the allegations made in the FIR, his custodial interrogation is necessary. Accordingly, he prays for rejection of the present application.

5. I have perused the Case-diary, Application and the Reply filed by the State.

6. It is the case of the prosecution that, the complainant lodged a complaint showing that on getting the knowledge that, the residential plots are available for sale, he contacted the Directors of Google Land Builders and after preliminary talks, he paid total token amount of Rs. 16,00,000/- to the applicant, who is the Director of the Firm and an agreement was executed. The sale-deed was supposed to be executed immediately thereafter. However, the applicant avoided the execution of the sale-deed, and therefore, the complaint was lodged.

7. During the investigation, it is revealed that on the basis of the agreement only, with the original owner and in absence of any sale-deed or transfer of title in favour of the applicant, he entered into an agreement with the complainant and accepted amount from the complainant.

8. During the investigation, it is further revealed that, original owner Ratnabai cancelled the agreement dated 18/06/2018. Thus, *prima-facie* it can be seen that without title, the applicant accepted the huge amount from the complainant by entering into an agreement. Thus, in the backdrop of the above referred facts, which were revealed during the investigation and moreover considering the antecedents of the applicant, I am not inclined to grant bail. Accordingly, I pass the following order:

The Criminal Application is **rejected**.

[ANIL S. KILOR, J.]