

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

CRIMINAL APPLICATION (ABA) NO.534 OF 2022

Avinash S/o Janrao Soyam

Versus

State of Maharashtra, through P.S.O., P.S. Wadki, 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 T.S. Deshpande, Adv. a/w Shri A.D. Deshmukh, Adv. for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 25/07/2022

1. The applicant is seeking pre-arrest bail in Crime No.160 of 2022, dated 08.06.2022, registered with Police Station: Wadki, District: Yavatmal, for the offences punishable under Sections 379 and 420 read with Section 34 of the Indian Penal Code.

2. Shri Deshpande, learned counsel for the applicant submits that the alleged incident as per the First Information Report (FIR) took place on 06.02.2022 whereas, the FIR came to be lodged on 08.06.2022. He submits that no explanation has been given for delay in lodgment of the FIR.

3. He further points out that the dispute is of a civil nature. He submits that to falsely implicate the

applicant in the alleged offence, the FIR came to be lodged. Accordingly, he prays for grant of pre-arrest bail. As according to him, custodial interrogation of the applicant is not necessary in this case.

4. On the other hand, Shri Mirza, learned APP opposes the present application.

5. I have perused the Case Diary, First Information Report (FIR) and reply of the State.

6. Considering the allegations made in the FIR, it appears that there was an agreement between the accused and the father of the complainant. *Prima facie*, it appears that there is a dispute about the erection of tin shed in the agricultural field of the father of the complainant, as per the agreement.

7. Considering the nature of the allegations and the fact that there was an agreement between the accused persons and the father of the complainant in respect of erection of tin shed and further considering the delay in lodgment of the FIR, I am of the opinion that if the applicant is directed to attend the concerned Police Station and co-operate the Investigation Officer in investigation, the purpose would be served. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 15.07.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station on 1st to 5th of August, 2022 between 10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.
- 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.]