

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

CRIMINAL APPLICATION (ABA) NO. 536 OF 2022

Bhagchand s/o Janiram Dipwani

Versus

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

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

Court's or Judge's Order

Shri Navneet M. Gaikwad, Advocate for the applicant.

Shri N.R.Rode, APP 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.425 of 2022, dated 5/07/2022, registered with Police Station Jaripatka, District: Nagpur, for the offence punishable under Section 420 of the Indian Penal Code.

2. Shri Navneet M. Gaikwad, learned counsel for the applicant submits that even if the allegations made in the FIR are taken on its face value are of civil nature. However, the applicant has falsely implicated in the alleged crime. He submits that, the custodial interrogation of the applicant is not necessary. Accordingly, he prays for grant of pre-arrest bail.

3. On the other hand, Shri N.R.Rode, learned APP opposed the present application.

4. I have perused the Case-diary and First Information Report (FIR).

5. The allegations are that the complainant paid certain amount to the applicant, in view of the agreement in respect of shop situated at Shop No. 28 "Sut Market"

Gandhibagh, Nagpur. However, subsequently, he came to know that the said shop was handed over to one Aslambhai by the present applicant and did not pay back the amount of Rs. 20 Lakh received by him to the complainant.

6. Considering the nature of dispute and the allegations made in the FIR, *prima-facie*, I am of the opinion that in this case, the custodial interrogation is not necessary. Moreover, while granting ad-interim anticipatory bail on 18/7/2022, it was directed that the applicant shall attend the Police Station as and when his presence is required, accordingly, he attended the same.

7. Thus, considering the nature of allegations, I am of the opinion that purpose would be served if the applicant is directed to attend the Police Station and cooperate the Investigating Officer in investigation. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) The ad-interim anticipatory bail granted by this Court on 18/07/2022, is confirmed.
- c) The applicant shall attend the concerned Police Station on 1st, 2nd and 3rd August-2022 between 10.00 a.m. to 12.00 noon and thereafter as and when his presence is required.

[ANIL S. KILOR, J.]