

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

CRIMINAL APPLICATION (ABA) NO.615 OF 2022

Sanjay S/o Tumdeoji Hulke .Vs. State of Maharashtra, through P.S.O., P.S.
Yashodhara 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 P.R. Abhyankar, Advocate for the applicant.
Shri S.A. Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 06/09/2022

1. The applicant is seeking pre-arrest bail in Crime No.423 of 2021, dated 28.06.2021, registered with Police Station Yashodhara, District: Nagpur, for the offences punishable under Sections 408 and 420 of the Indian Penal Code.

2. Shri Abhyankar, learned counsel for the applicant submits that if the allegations made in the First Information Report (FIR) are taken on its face value, the plot in dispute was purchased by the complainant in the year 2003 and the complaint against the applicant alleging that without any authority the applicant sold the property to the third persons, was made on 03.10.2020 and which was registered on 26.08.2021. Whereas, the applicant was called for interrogation in the month of June, 2022, which shows that the custodial interrogation of the applicant is not necessary. He therefore, prays for grant of pre-arrest bail.

3. On the other hand, Shri Ashirgade, learned APP strongly opposes the present application and prays for rejection of the present application.

4. I have perused the Case Diary and the application.

5. In the FIR, there is a mention that the complainant lodged the complaint on 03.10.2020 against the applicant alleging that he sold out the plot of the complainant to the third person without any authority. The said complaint was registered as Crime No.423 of 2021 on 28.06.2021 i.e. after eight months. Thereafter, in the month of June, 2022, i.e. after one year, the applicant was called for investigation.

6. The above referred dates and the allegations made in the FIR, sufficiently shows that, custodial interrogation 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 22.08.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station on 19th September, 2022 to 22nd September, 2022

between 10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.

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

[ANIL S. KILOR, J.]