



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

CRIMINAL APPLICATION (ABA) NO.645 OF 2023

(Waheed Khan Dilawar Khan Vs. State of Maharashtra thr. its PSO PS Andhera, Tq.
Chikhali, Dist. Buldhana)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S. V. Sirpurkar, Advocate for Applicant.
Mr. H. D. Phutane, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 29th NOVEMBER, 2023.

The applicant is seeking pre-arrest bail in connection with Crime No.214/2023 registered with Police Station Andhera, District Buldhana for the offence punishable under sections 406 and 420 of the Indian Penal Code.

2. The learned counsel Mr. Sirpurkar submitted that the applicant is apprehending arrest as FIR is lodged against him on an allegation that he has purchased agricultural produce from the agriculturist for trading and not made payment through the same. On the basis of said report police has registered the crime. He submitted that as far as the custodial interrogation of the present applicant is not required, offence is not punishable with imprisonment more than seven years. The applicant is protected by interim protection and he has co-operated with the investigating agency. In view of that interim protection granted to the

present applicant be confirmed.

3. Said application is strongly opposed on the ground that the custodial interrogation of the present applicant is required as amount is to be recovered from the present applicant and pressed for rejection of them.

4. Having heard the learned counsel for the applicant and learned APP for the State, perused the investigation papers from the recitals of the record it appears that there was a transaction between the applicant and the informant and other agriculturists which shows that the applicant has obtained agriculture produce from them for trading. The statement of various agriculturists have recorded which are similar nature from the nature of the statements it appears that the dispute between the applicant and the informant is of civil nature as far as custodial interrogation is concerned it appears that the applicant has attended the police station and co-operated with the Investigating Agency. It is apparent from the record that the applicant has not misused the liberty which was granted to him by protecting him by ad-interim anticipatory bail. Considering the nature of the allegations and his immediate custody is not required the interim protection granted to him deserves to be confirmed by imposing some conditions. Accordingly, I proceed to pass following order:

[i] In the event of arrest in Crime No.214/2023

registered with Police Station Andhera, District Buldhana for the offences punishable under Sections 406 and 420 of the Indian Penal Code, the applicant is released on anticipatory bail on furnishing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- [ii] The applicant shall attend concerned police station, as and when required for the investigation purpose and shall cooperate in the investigation.
- [iv] The applicant shall furnish his cell phone number and address with address proof.
- [v] The applicant shall not induce threat or promise to any witnesses, who are connected with the alleged crime.

5. The application is disposed of.

JUDGE