



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

CRIMINAL APPLICATION (ABA) NO. 16/2024

Ambadas Ninaji Khedkar V/s State of Maharashtra

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

Court's or Judge's Order

Mr. H.V. Dhage, counsel for the applicant.

Mr. S.S.Hulke, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/02/2024.

1. Apprehending arrest at the hands of police, in connection with Crime No.105/2023 registered with Police Station Shegaon, Tahsil Shegaon, District Buldhana for offence punishable under Sections 406, 409, 420, 506, 507, 120-B of the Indian Penal Code, 1860. The applicant approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is that the father of the informant namely Akhilesh Subhash Shelke owned certain agricultural land and they have yielded some Chickpea (Chana) and stored in the godown. On 20/04/2023, the co-accused Rahul Choudhari offered them high price than the market price and purchased the entire foodgrains from him and issued the cheque of Rs.27,75,000/-. The said cheques are dishonoured and the informant as well as other agriculturist have not received the amount against their yield, therefore, they approached to the police station and lodged the report.

3. Learned counsel for the applicant submitted that as far as present applicant is concerned, only role is attributed to him that, his son has executed an agreement and given him the premises to the co-accused on rent, wherein the co-accused has stored the yield. As far as the offence under Section 406, 409 and 420 are concerned, there is no allegation against the present applicant that either he obtained any foodgrains from the agriculturist or there is any transaction between the agriculturist and the present applicant. Thus, no role is played by the present applicant in the alleged offence, merely because, the premises wherein the co-accused has stored the foodgrains, is given on rent by the son of the present applicant.

4. Learned APP strongly opposed the application on the ground that the investigation is still in progress and the custodial interrogation of the present applicant is required.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. From the investigation papers it reveals that the investigation is almost completed and charge-sheet is filed, as far as the role of the present applicant is concerned, only to the extent that he has provided his premises on rent to the co-accused. Except the said role, no other role is attributed to the present applicant. In view of that, ad-interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is **allowed**.

- b) In the event of arrest, the applicant – Ambadas Ninaji Khedkar, in connection with Crime No.105/2023 registered with Police Station Shegaon, Tahsil Shegaon, District Buldhana for offences punishable under Sections 406, 409, 420, 506, 507, 120-B of the Indian Penal Code, 1860, shall be released on anticipatory bail on executing P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.
- c) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]