



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

CRIMINAL APPLICATION (ABA) NO. 39 OF 2024

Govinda s/o Ramaji Waghmare 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. P.R. Agrawal, counsel for the applicant.

Ms. Trupti Udeshi, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/02/2024.

1. Apprehending the arrest at the hands of Police in connection with Crime No. 742/2023 registered with Police Station Sadar, District Nagpur for the offence punishable under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860. The applicant approached this court for grant of pre-arrest bail.

2. Mr. P.R. Agrawal, learned counsel for the applicant submitted that the applicant is apprehending arrest at the hands of Police, as crime is registered on the basis of report lodged by the complainant on an allegation that he got acquaintance with the present applicant and on the pretext of providing land on lease. The amount of Rs. 1.6 Crore is obtained by the co-accused, and some of the amount was transferred in the account of the present applicant.

3. He further submitted that in fact, the present applicant is a victim at the hands of the co-accused namely,

Gopal Gaikwad, as he has obtained Rs. 7,30,000/- from the applicant on the pretext that he will arrange the deal of plot in Nagpur for the applicant. As per the allegation by the complainant is concerned, the amount of Rs. 7,30,000/- which is transferred in the account of the present applicant is already repaid by way of cheque.

He submitted that the present applicant has also lodged the report against the co-accused Gopal Gaikwad. Thus, considering the applicant himself is a victim at the hands of the co-accused, and whatever amount he received from the co-accused, is already repaid by him. The custodial interrogation of the present applicant is not required. He further submitted that taking into consideration, the circumstances under which, the name of the present applicant is involved. The applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that during the investigation, the involvement of the present applicant is revealed. As per the investigation papers, this amount of Rs. 7,30,000/- was transferred in the account of the present applicant by RTGS. In view of that, the custodial interrogation of the present applicant is required and therefore, application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR and other relevant documents. From the investigation papers, it

reveals that the present applicant has also made a complaint with the Police against the co-accused Gopal Gaikwad. As far as the allegation against the present applicant is concerned, the amount of Rs. 7,30,000/- was transferred in the account of the present applicant by RTGS. The documents on record shows that the said amount is already repaid by the present applicant to the complainant. Thus, the custodial interrogation of the present applicant is not required. Considering the fact that amount which he has received is also repaid by him.

6. Moreover, the record shows that he has also lodged the complaint against the co-accused which is sufficiently shows that it was the co-accused who has obtained the money, not only from the present applicant but also from the informant. In view of that, the 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 his arrest, in connection with Crime No. 742/2023 registered with Police Station, Sadar Nagpur, District Nagpur for the offence punishable under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, the applicant – **Govinda s/o Ramaji Waghmare** be released on anticipatory bail, on furnishing P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station as and when required for the investigation purpose.
- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]