



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

CRIMINAL APPLICATION (ABA) NO.49 OF 2024
(Smt. Ujjwala w/o Pankaj Raut and anr. Vs. The 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. A. Raoka, Advocate for the applicants.
Ms H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 6, 2024

The present application is filed by the applicants for grant of anticipatory bail, in the event of their arrest, in connection with Crime No.906/2023 registered with Police Station Jaripatka, Nagpur City, Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

2. The applicants are apprehending arrest at the hands of the Police as the crime is registered on the basis of report lodged by Nishant Sudhir Ghode, who has alleged that he has running a business as a Distributor since 2018, and a franchise of the company was given to the present applicant. She has obtained the money from him for issuing the products and the products are not delivered. Thus, she has accepted Rs.1,24,000/-, but neither paid an amount nor delivered the product, and thereby cheated the complainant.

3. Learned Counsel for the applicants submitted that the nature of the dispute between the parties is

concerned which is of a civil nature and no criminal offence is made out. After interim protection granted to the present applicants they have cooperated with the investigating agency. Now, their custodial interrogation is not required. In view of that, interim protection granted to the present applicants deserves to be confirmed.

4. Learned APP strongly opposed the application on the ground that since inception, there was an intention to cheat the complainant, and therefore, ad-interim protection granted to the present applicants deserves to be rejected by rejecting the application.

5. I have heard learned Counsel for both the parties and perused the investigation papers which reveals that the entire dispute arose out of business transaction. Thus, the nature of the allegation is a civil nature. In view of that, the custodial interrogation of the present applicants is not required, the applicants have made out a case for grant of anticipatory bail.

6. Hence, the application is allowed and the ad-interim protection granted to the present applicants vide order dated 18/01/2024 is hereby confirmed on the same terms and conditions.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)