



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

**CRIMINAL APPLICATION (ABA) NO.59 OF 2024**  
(Shri Sanjay Manoharrao Bhoot and anr. Vs. State of Maharashtra)

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

Court's or Judge's Order

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Mr. A.S. Samdekar, Advocate for the applicants.  
Ms S. Kolhe, APP for the State.

**CORAM:- URMILA JOSHI-PHALKE, J.**  
**DATED :- APRIL 22, 2024.**

By preferring this application, the applicants are seeking pre-arrest bail in the event of their arrest in connection with Crime No.01/2024 registered with Police Station Gittikhadan, Nagpur for the offences punishable under Sections 406 and 420 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicants submitted that the applicants are the absolute owners of Flat No.401 situated at 4<sup>th</sup> Floor constructed on Plot No.262-C and 262-D before amalgamation of Mouza Borgaon. The informant entered into an agreement with the present applicant regarding the purchase of the said property. Subsequently, the dispute arose between them on account of consideration amount, and therefore, this report is filed. It is simple a breach of an agreement, no criminal offence is made out, therefore, the interim protection granted to the present applicants deserves to be confirmed.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that custodial interrogation of the present applicants is required as present applicants initially entered into an agreement and subsequently denied to execute the sale-deed in favour of the informant and thereby informant was duped. Considering the same, the application for grant of anticipatory bail deserves to be rejected.

4. Having heard learned Counsel for the parties. Perused the investigation papers from which it revealed that there was an agreement to sell between the informant and the present applicant. Due to some reasons dispute arose between them, and therefore, sale-deed is not executed. From the recitals of the FIR the entire transaction appears to be of a civil nature. Hence, immediate custodial interrogation of the present applicants is not required. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Hence, the application of the present applicants is allowed and the ad-interim protection granted to the present applicants vide order dated 24/01/2024 is hereby confirmed on the same terms and conditions.

5. The application is disposed of.

**(URMILA JOSHI-PHALKE, J.)**