



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

WRIT PETITION NO. 1734 OF 2024

(I.C.I.C.I. Homer Finance Co. Ltd. ..vs.. State of Maharashtra and others)

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

Court's or Judge's orders

Mr. R.K. Thakkar, Counsel for the petitioner,
Mr. D.P. Thakare, Addl.G.P. for respondent Nos.1 and 2.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 12-03-2024

Accused Ghanshyam Durbude, who is closely related to respondent No.3, was ordered to be enlarged on *ad interim* bail in the event of his arrest vide order dated 14-9-2023 passed by the learned Additional Sessions Judge, Bhandara in Miscellaneous Criminal Application (Bail) No.400/2023. However, the prayer for pre-arrest bail was rejected on 30-9-2023. The learned Additional Sessions Judge also directed to attach the property, which the petitioner-Finance Company claimed to be charged over as the same is mortgaged with it.

2. As such, it is claimed that the learned Additional Sessions Judge ought not to have passed an order of attachment when the petitioner already having charge over the said property by virtue of mortgaged-deed executed by the original borrower.

3. In our opinion, it is always open for the petitioner to approach the Court who has passed the order dated 30-9-2023 incorporating the condition of attachment of the property, which is claimed to be mortgaged with the petitioner.

4. Leaving such option open to the petitioner to approach the said learned Additional Sessions Judge, we do not see any reason to show any indulgence at this stage.

5. The petition stands disposed of with liberty to the petitioner to approach the Additional Sessions Court, Bhandara.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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