



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

CRIMINAL APPLICATION (ABA) NO.128 OF 2024

(Parmeshwar s/o Shivaji Patole and others Vs. State of Maharashtra thr. its PSO PS
Deulgaon Raja, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. Mahesh Rai, Advocate for Applicants.
Mr. S. C. Joshi, A.P.P. for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 4th MARCH, 2024.

Apprehending arrest at the hands of police in connection with Crime No.18/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under sections 341, 395, 354 and 506 of the Indian Penal Code. The present applicant approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by one Archana Kayande on 20.01.2024 alleging that the applicant Nos.2 to 4 have sold their land having its area 1.24 hectare by registered sale-deed dated 13.01.2022 to her mother-in-law namely Chandrabhaga Kayande for consideration of Rs.11,11,000/-. The said applicant Nos.2 to 4 required the said amount to invest it to some other agricultural land and also to bear the household expenses and also gave the possession. However, threatend her in-laws to pay more Rs.5,00,000/-.

It is further alleged that on 18.01.2024 when informant along with her husband were proceeding to her house on motorcycle at that time at about 06:00 to 06:30 near one square all the applicants along with co-accused restrained and by showing knife obtained Rs.75,000/- from her and also assaulted them by kicks and fists. On the basis of said report police have registered the crime against the present applicants.

3. Learned counsel for the applicant Mr. Rai pointed out that previously the wife of applicant No.3 has filed the complaint against the informant and her family members alleging that towards the transaction the informant had often have issued the cheque, the said cheques were dishonoured and she was assaulted by the informant. He submitted that out of the land dispute the first F.I.R. is lodged against the present applicant. Moreover, the custodial interrogation of the present applicant is not required and prays for pre-arrest bail.

4. Learned A.P.P. strongly opposed the application and submitted that the amount of Rs.75,000/- is to be recovered from the present applicants. Therefore, custodial interrogation of the present applicants is required. Therefore, he submitted that the allegations are of serious nature and therefore, the application deserves to be rejected.

5. Having heard the learned counsel for the

applicants and the learned A.P.P. for the State, perused the recitals of the F.I.R. and from the recitals of the F.I.R. and F.I.R. is first lodged by the wife of the applicant No.3 it reveals that the dispute arose between the parties out of the land dispute. Considering the nature of the transaction between the alleged incident appears to be occurred as far as custodial interrogation is concerned which is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

- [i] The application is allowed.
- [ii] The applicant Nos.1 to 7 shall be released on anticipatory bail in connection with Crime No.18/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under sections 341, 395, 354 and 506 of the Indian Penal Code on executing P.R. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.
- [iii] The applicants shall attend the concerned police station once in a week on Sunday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the Investigating Agency.
- [iv] The applicants shall not induce, threat or

promise to any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

JUDGE

NSN