



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

CRIMINAL APPLICATION (ABA) NO.134 OF 2024

(Gunaram s/o Shravanji Bondre Vs. State of Maharashtra thr. its PI Police Station
Kalamna, District Nagpur)

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

Court's or Judge's orders.

Mr. S. V. Manor, Senior Advocate a/w Mr. Y. N. Sambre, Advocate for
Applicant.

Mr. M. J. Khan, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 2nd APRIL, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.12/2024 registered with Police Station Kalamna, Nagpur City for the offence punishable under Sections 420, 504 and 506 of the Indian Penal Code. The applicant approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicant is on the basis of report lodged by Sudhakar Somaji Wadibhasme alleging that the applicant is in possession of the plot bearing No.62 of Mouza Bharatwada. It is further alleged that on 28.11.2022 the applicant attempted to install the electric meter and on inquiry it was realized that all the legal heirs of his father have sold their respective 1/5th share in the property to the applicant. As such 2000 sq. ft. of the total 2400 has been sold to the applicant.

3. Learned Senior Advocate for the applicant submitted that the entire nature of the dispute is of civil nature and by filing the FIR the colour of the criminal dispute is vigor. As far as the custodial interrogation of the present applicant is concerned which is not required. He submitted admittedly there was one transaction between the applicant and the complainant and the consideration amount was paid by the present applicant as far as the demand of Rs.8 lakhs is additional by the applicant is concerned. There is no material to connect the same. In view of that, the applicant be protected by confirming the anticipatory bail granted in his favour.

4. Learned APP and the learned counsel for the complainant strongly opposed the application on the ground that huge amount is involved and custodial interrogation of the present applicant is required.

5. After hearing the learned Senior Advocate for the applicant and the learned APP for the State and the learned counsel for the complainant, perused the recitals of the FIR. From the recitals of the FIR it reveals that the dispute between the informant and the present applicant is regarding the sale transaction of the plot which is alleged to be agreed to be purchased by the present applicant. Thus, from the recitals of the FIR it reveals that the dispute between the parties is of civil nature. The offences alleged are punishable with the imprisonment upto seven years in

the light of the decision of the Hon'ble Apex the Investigation Officer has issued the notice under Section 41-A to the present applicant wherein also the grounds for the arrest of the present applicant are not assigned by the Investigating Officer. Considering all these facts and considering the nature of the transaction the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

- a] The application is allowed.
- b] The interim protection granted to the present applicant is hereby confirmed on the similar conditions imposed by this Court by order dated 22.02.2024.

6. The application is disposed of.

JUDGE