



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

CRIMINAL APPLICATION (APPP) NO. 316 OF 2024
IN
CRIMINAL APPLICATION (ABA) NO.145 OF 2024

Manoj s/o Jaisingh Hiranwar

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Ambazari, Nagpur

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

Court's or Judge's orders

Mr. P. A. Abhyankar, Advocate for applicant.
Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/02/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.799/2023 registered with Police Station, Ambazari, Nagpur for the offence punishable under Sections 380, 427, 448 and 451 of the Indian Penal Code, 1860, the present applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that it is the dispute between the tenant and the landlord. The present applicant is landlord of the suit premises Plot No.223 at Jaisingh Bhawan, North Bazar Road, Gokulpeth, Nagpur. It is further submitted that the informant has already handed over the possession to the present applicant and the present applicant is in possession, but with the false

contention, this FIR is lodged which is rather delayed and no explanation is put forth. He further submitted that as far as the custodial interrogation of the present applicant is concerned, which is not required is clear from the reply filed by the investigating agency before the trial Court. He further submitted that the civil litigation is already pending between the parties. Considering the same, the applicant be protected by granting ad-interim anticipatory bail.

3. Learned APP strongly opposed the application on the ground that considering the allegation that the present applicant illegally and unauthorizedly has entered into the premises, which is in possession of the tenant i.e. the informant and caused the damage to the property of the informant. His custodial interrogation is required and therefore, prayer for grant of ad-interim protection deserves to be rejected.

4. Having heard the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. From the recitals of the FIR and the various documents i.e. the order passed by the Civil Court which shows that civil dispute is pending between the informant and the present applicant. It is further appears that the present informant has filed the Regular Civil Suit bearing No.104/2023 which is opposed by the present applicant, wherein also the present applicant claimed that suit property is in his

possession. Previously also, one FIR is lodged on the basis of report filed by the wife of the present complainant. It further appears from the document filed on record that the application for grant of bail was opposed by the investigating agency before the trial Court and the reasons mentioned in the said reply shows that the custody was required for recording the statement of the complainant under Section 164 of Cr. P.C. From the reply, it reveals that nothing is to be recovered from the present applicant and the general grounds are raised to oppose the application. Thus, considering the reply filed by the investigating agency and the various documents, it is crystal clear that out of the civil dispute, present FIR came to be lodged. At this stage, immediate custodial interrogation of the present applicant, is not required. As far as the interrogation part is concerned, it can be taken care of by imposing certain conditions on the present applicant. In view of that, I proceed to pass following order.

ORDER

(i) In the event of the arrest in connection with Crime No.799/2023 registered with Police Station, Ambazari, Nagpur for the offence punishable under Sections 380, 427, 448 and 451 of the Indian Penal Code, 1860, the applicant **Manoj s/o Jaisingh Hiranwar** be released on ad-interim anticipatory bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency, till further orders.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The application is disposed of.

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Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)