



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

CRIMINAL APPLICATION (ABA) NO. 183 OF 2024

Satish Mahadeorao Kolhe V/s State of Maharashtra

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

Court's or Judge's Order

Mr. Harshwardhan Chawhan, counsel for applicant.
Mr. N.B. Jawade, APP for non-applicant/State.
Mr. A.Z. Mirza, counsel for Intervenor.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/04/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.755/2023 registered with Police Station Hingna, Nagpur, District Nagpur for the offence punishable under Sections 406 and 420 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 the informant alleging that the present applicant has entered into an agreement of sale of the agricultural land at Mouza Kotewada, P.H.No.72, Taluka Hingna, District Nagpur bearing Agricultural field Survey No.49, with Smt. Pushpanjali Pandurang Ragit, Ku. Minakshi d/o Pandurang Ragit and others in the year 2014-15. As the applicant was intended to create a layout, the applicant agreed to sell the proposed plots to various purchasers and

obtained earnest amount, and has not execute the sale deeds and thereby cheated the various persons.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned, which are of civil nature. The entire allegation revolves around the documentary evidence, the physical custody of the present applicant is not required. Considering the said submission, he was protected by granting ad-interim protection and directed to attend the concerned Police Station as and when required for investigation purpose. Though, notice was issued to present applicant under Section 41(A), he has not attended the concerned Police Station. Therefore, by order dated 05/04/2024, the applicant was directed to appear before the Investigating Officer on 10/04/2024 at 10.00 a.m. and shall cooperate with the investigating agency. Despite the order passed by this Court, the applicant has not attended the concerned Police Station and not cooperated with the investigating agency.

4. Learned APP pointing out the facts and submitted that the applicant has not shown any respect and disobeyed the Courts order. In view of that, the application deserves to be rejected.

5. Having heard learned counsel for the applicant, learned APP for the State, and learned counsel for the intervenor, perused recitals of the FIR. On perusing the recitals of the FIR, prima-facie it reveals that there was an agreement

between the applicant and the complainant for purchasing the plot. The consideration amount is already received by the present applicant but he has not executed the sale-deed. Though, prima-facie it reveals that dispute between the parties is of civil nature, but considering the intention of the present applicant since inception, it cannot be said that no criminal offence is made out. Moreover, though liberty is granted to the present applicant by granting ad-interim protection and directed to remain present before the investigating officer and to cooperate with the investigating agency, he has not attended the concerned Police Station. Thus, it is apparent that the applicant has not obeyed the order passed by this Court and also not attended the concerned Police Station, though the notice under Section 41 is issued.

6. Considering all these facts, the interim protection granted to the present applicant deserves to be cancelled. Moreover, the application for grant of anticipatory bail also deserves to be rejected. Accordingly, I proceed to pass the following order:

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]