



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

CRIMINAL APPLICATION (ABA) NO.194 OF 2024

Sanjay s/o Ganesh Patil
Vs.
State of Maharashtra, Through Police Station Officer, MIDC, Butibori,
Nagpur

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

Court's or Judge's orders

Ms. Anshula Paunikar, Advocate h/f Mr. S. V. Sirpurkar, Advocate for
applicant.
Ms. Trupti Udeshi, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 13/06/2024

1. Apprehending the arrest at the hands of police, the present applicant approached this Court for grant of pre-arrest bail in connection with Crime No.103/2024 registered with Police Station M.I.D.C. Butibori, Nagpur for the offence punishable under Section 380 of the Indian Penal Code.

2. As per the accusation, the informant is the owner of factory namely Anhant Industries of manufacturing and recycling plastic at M.I.D.C. Butibori, Nagpur. The said factory is situated at plot No.H-25 which was owned by Sangeeta Sanjay Patil i.e. the wife of the present applicant. On 26/04/2021, the informant took one shade of plot from the wife of the present applicant on rent for 10 years for running his factory and deposited Rs.3,30,000/- with the

owner. Thereafter said factory was started but applicant started creating issues in the work of the complainant and the complainant was not permitted to operate the machine, due to which the dispute arose between them. It is alleged that on 06/02/2024 when the complainant visited the factory and found that the stock worth of Rs.11,00,000/- was stolen from the said place. On the basis of said report, police have registered the crime against the present applicant.

3. Heard learned Counsel Ms. Anshula Paunikar for the applicant submitted that there is a dispute between the applicant and the complainant which is in the nature of landlord-tenant dispute. The amount of Rs.28,00,000/- is due from the complainant as an arrears, and therefore, the applicant asked to vacate the said premises and therefore this false report is lodged. The custodial interrogation of the present applicant is not required. The applicant has cooperated with the investigating agency when he was released on ad-interim anticipatory bail.

4. Learned Additional Public Prosecutor strongly opposed the said application on the ground that custodial interrogation is required. However, she fairly submitted that the material investigation statements of the witnesses are already recorded.

5. After hearing the learned Counsel for the applicant and learned APP for the state, perused the recitals of the FIR and the investigation papers. From which it reveals that there was a dispute between the landlord and tenant and some amount was duped from the complainant towards the rent and out of that dispute, this FIR came to be lodged. Considering the nature of the offence and considering the reply filed by the State that physical custody of the present applicant is not required as material statements of the witnesses are already recorded. In view of that, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant – **Sanjay s/o Ganesh Patil** be released on anticipatory bail in connection with Crime No.103/2024 registered with Police Station M.I.D.C. Butibori, Nagpur for the offence punishable under Section 380 of the Indian Penal Code, on executing P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount, on the similar conditions which are imposed by this Court by order dated 20.03.2024.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)