



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

CRIMINAL APPLICATION (ABA) NO.214 OF 2024

(Rajesh s/o Shyamsundar Jaiswal Vs. State of Maharashtra thr. its PSO PS
Hudkeshwar, 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. G. Karmarkar, Advocate for Applicant.
Mr. A. B. Badar, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 18th APRIL, 2024.

Apprehending the arrest at the hands of police in connection with Crime No.108/2024 registered with Police Station Hudkeshwar, Nagpur for the offence punishable under Sections 420, 467 and 471 read with Section 34 of the Indian Penal Code, the applicant approached to this Court for grant of pre-arrest bail.

2. As per the allegation, in August 2023 informant has purchased the plot No.32 of Khasra No.32/2-3 Mouza Chikhali by sale-deed dated 30.08.1994 from Sushila Co-operative Housing Society, Nagpur. It is further alleged that in August 2023 when he visited the said plot and found that on plot No.32 name of board of one Sunil Borkar had been displayed, thereupon, he contacted said Sunil Borkar and informed that he had purchased the plot from Narendra Rambhau Chauduari and Anita Madhukar Zade by deed of

Power of Attorney. He submitted that thereafter the applicant agreed to issue the correction deed which was not issued and thereby the informant is duped by the present applicant.

3. Learned counsel for the applicant submitted that now the said correction deed is already executed. As far as the transaction which is narrated by the informant is concerned which is of civil nature. No criminal offence is made out against the applicant. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the custodial interrogation of the present applicant is required as he has sold the same plot to the two persons. He further submitted that the subsequent complaint is also filed against the present applicant with the similar allegations.

5. Having heard the learned counsel for the applicant and learned APP for the State. *Prima facie* it appears that the transaction between the present applicant and the informant of selling of the plot. Now correction deed is already executed by the present applicant. Considering the statement made by the learned counsel for the applicant and *prima facie* the nature of the allegation is of a civil nature, the custodial interrogation of the present applicant is not required. In view of that, 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 the arrest in connection with Crime No.108/2024 registered with Police Station Hudkeshwar, Nagpur for the offence punishable under Sections 420, 467 and 471 read with Section 34 of the Indian Penal Code, the applicant shall be released on anticipatory bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - (iii) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.
 - (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
6. The application is disposed of.

JUDGE