



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

CRIMINAL APPLICATION (ABA) NO. 322 OF 2024

Tanoba Nanaji Ghugre Vs 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. S.V.Sirpurkar, counsel for the applicant.

Mr. M.J.Khan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/07/2024.

1. The present application is for seeking anticipatory bail, in connection with Crime No.37/2024 registered with Police Station Bhandara, District Bhandara for the offence punishable under Section 406 read with Section 34 of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submitted that the FIR came to be lodged out of an agreement between the present applicant and the informant for purchasing the tippers. The tippers were purchased by the informant however, he has not repaid the entire consideration amount. As per the agreement, if the complainant fails to pay the consideration amount, the applicant was at liberty to recover the possession of the said vehicles. Accordingly, the applicant has obtained possession of the vehicle, and therefore, the offence is registered.

3. Learned Additional Public Prosecutor strongly opposed the application on the ground that, the possession of the vehicles is required for investigation purpose, and

therefore, custodial interrogation of the present applicant is required.

4. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. From which, it reveals that, due to breach of the agreement, the applicant has repossessed the vehicles, and therefore, the FIR came to be lodged. Considering the entire transaction, which appears to be out of breach of the agreement, apparently it is of a civil nature. At this stage, immediate custodial interrogation of the applicant is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed by imposing similar conditions. Accordingly, I proceed to pass the following order:

- a) The interim protection granted to the present applicant is confirmed by imposing similar conditions which are imposed by the order dated 09/05/2024.
- b) The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]