



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

CRIMINAL APPLICATION (ABA) NO.325 OF 2024

Ritesh @ Chandrakant s/o Bhaiyyaji Rakhunde
Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
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. A. A. Naik, Advocate h/f Mr. C. G. Barapatre, Advocate for applicant.
Mr. N. B. Jawade, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/07/2024

1. The application is for grant of anticipatory bail in connection with Crime No.273/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by Sukhdev Bhawarlal Jangid alleging that he is a Civil Contractor and got acquainted with the applicant almost 1 and 1/2 years ago in connection with property dealing. On 25/04/2023, the applicant suddenly met the informant at Manewada Square and informed that he knows land of Forest Department which he can get in a very meager amount. He also informed that his wife is in Forest Department, and therefore, he can get the land cleared at a lower expenses, therefore,

the informant has paid the amount of Rs.10 lacs in presence of one Mangesh Bhakre and the amount of Rs.15 lacs in presence of one Sachin Deshmukh. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that initially also one crime was registered against the present applicant and he invited my attention towards the observation made in the order dated 02/04/2024 passed by this Court in Criminal Application (ABA) No.160/2024 while releasing the applicant on bail. He submitted that after passing this order on 02/04/2024 immediately this second crime is registered against the present applicant. He further invited my attention towards the reply filed by the State before the District Court which shows that at the relevant time the applicant was in an injured condition and he was produced before the Investigating Officer in an injured condition. Thus, he submitted that the applicant who was under treatment was produced before the Investigating Officer and he has sustained a complex comminuted fracture and for that purpose he was admitted in the hospital at Mumbai and he has to undergo the surgery. As far as the merits of the matter is concerned he submitted that with the false allegation said crime is registered against the present applicant. In fact, there is a property dispute between the informant and the present applicant, and therefore,

considering this previous dispute between them, this false FIR is lodged against the present applicant. As far as the investigation part is concerned, which is practically over, custodial interrogation of the present applicant is not required, in view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that the statements of the witnesses substantiate the allegation made against the present applicant who has obtained Rs.25 lacs from the informant and no land was given on lease to the informant. Thus, the informant was duped.

5. After hearing the learned Counsel for the applicant and the learned APP for the State, perused the recitals of the FIR. Initially, Crime No.539/2023 was registered against the present applicant and while releasing him on bail, this Court has already observed that after going through the statement of the informant and the witnesses Mangesh Prabhkarrao Bhakre which states that the amount was paid but they nowhere stated on which date the said amount is paid. It is further observed by this Court that the amount is paid for the unlawful contract and the entire amount was paid in a cash. Though the Investigating Officer has collected the account extract of the account of the present applicant nothing reveals from that the said amount was already deposited by the applicant in his account

after receipt of the same. Thus, except the bare statement there is no material collected during the investigation. Admittedly, still investigation is in progress but as far as the custodial interrogation is concerned, which is not required. In view of that ad-interim protection granted to the present applicant by order dated 09.05.2024 deserves to be confirmed. Accordingly, I proceed to pass following order:

- (i) The interim protection granted to the present applicant by order dated 09.05.2024 is confirmed with the similar terms and conditions.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)