



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

CRIMINAL APPLICATION (ABA) NO.328 OF 2024

Satish Namdeo Guhe

Vs.

The State of Maharashtra, Through Police Station Officer, MIDC Buttibori,
District Nagpur

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

Court's or Judge's orders

Mrs. M. N. Hiwase, Advocate for applicant.
Ms. Swati Kolhe, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 19/06/2024

1. The applicant has approached this Court for grant of pre-arrest bail, as he has received the notice from Butibori Police Station, Nagpur alleging that some complaint is received at the Police Station by Prabhakar Annaji Vasad alleging that the sale-deed was executed in favour of the present applicant and he has not paid the amount of Rs.25 Lakh which is the consideration amount, and therefore, he should remain present before the Investigating Officer.

2. It is submitted by the learned Counsel for the applicant that from the recitals of the notice, it reveals that some complaint is received by the Police Officer, regarding the sale of the said agricultural land and therefore, he is having apprehension. As far as the allegations are concerned from which it reveals that the dispute is of a civil nature, and therefore the

complainant cannot take the assistance of the police to recover the said amount.

3. Learned APP strongly opposed the said application at the same submitted that till today no crime is registered and therefore, the application deserves to be rejected.

4. After hearing the learned Counsel for the applicant and learned APP for the State. Considering the apprehension on the basis of notice received by the applicant, this Court has already observed that in case of registration of offence, the Investigating Officer shall issue notice under Section 41 of the Code of Criminal Procedure to the present applicant which will suffice the purpose of the present applicant.

5. In view of that the Investigating Officer, in case of registration of offence shall comply with the guidelines issued by the Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another** reported in **(2022) LiveLaw (SC) 577** by issuing the appropriate notice under Section 41 of the Code of Criminal Procedure.

6. With this directions, the application is disposed of.

(URMILA JOSHI-PHALKE, J.)