



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

**CRIMINAL APPLICATION (ABA) NO.346 OF 2024**

Pratik s/o Arvind Bambale

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Kapil  
Nagar Nagpur

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

Court's or Judge's orders

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Mr. S. G. Patil, Advocate for applicant.

Mr. N. B. Jawade, APP for respondent/State.

**CORAM : URMILA JOSHI-PHALKE, J.**

**DATED : 27/06/2024**

1. By preferring this application, the applicant is seeking pre-arrest bail, in connection with Crime No.160/2022 registered with Police Station Kapil Nagar Police Station, Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

2. Learned Counsel for the applicant submitted that applicant has been falsely implicated in the alleged offence, his custodial interrogation is not at all required. He further submitted that now two co-accused are released on bail, therefore, on the ground of parity, present applicant shall be released on bail. He further submitted that it is the attempt of the investigating agency to arrest the present applicant for no reason. He further submitted that the personal liberty of the present

applicant is involved, considering all these facts, he be released on bail.

3. Per contra, learned APP strongly opposed the said application on the ground that his earlier bail application is rejected while observing that his custodial interrogation is required and said order is not challenged by the present applicant. Merely because, the charge-sheet is filed is not a change in circumstance. The charge-sheet is filed against the other two accused. As far as the present applicant is concerned, the custodial interrogation is required to ascertain his involvement in the alleged offence. He further submitted that mere filing of the charge-sheet cannot be treated as a change circumstance as well as the release of the other co-accused on bail is also not sufficient to entertain the application of the present applicant.

4. After hearing the learned Counsel for the applicant and perused the case diary and reply filed by the State. As per the allegation by the prosecution, the report is lodge showing that the residential plots were available for sale. The complainant contacted the Directors of Google Land Builders and after preliminary talks, he paid total token amount of Rs.16,00,000/- to the applicant, who is the Director of the Firm and an agreement was executed. The sale deed was supposed to be executed by the applicant. However, the applicant

avoided to execute the sale deed and therefore, the report was lodge.

5. During the investigation, it further revealed that on the basis of an agreement only, with the original owner and in absence of any sale deed or transfer of title in favour of the applicant, he entered into agreement with the complainant and accepted the amount from the complainant. It further revealed that original owner Ratnabai cancelled the agreement dated 18.06.2018 and thereafter, the present applicant entered into an agreement with the complainant. Thus, *prima facie* it can be seen that without any title, the applicant has accepted the huge amount and entered into an agreement. As far as the custodial interrogation of the present applicant is concerned, which is required for the purpose interrogation as well as to ascertain the exact role of the present applicant. The notice under Section 41 of Cr.P.C. is also issued to the present applicant showing the reasons why his arrest is required, therefore, there is due compliance of the guidelines issued by the Hon'ble Apex Court in the case of **Satender Kumar Antil Versus Central Bureau Of Investigation & Anr.** reported in **2022 LiveLaw (SC) 577**.

6. Considering the *prima facie* case made against the present applicant and his custodial interrogation is also required, the application

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deserves to be rejected. Accordingly, I proceed to pass following order:

The application is hereby rejected.

**(URMILA JOSHI-PHALKE, J.)**

Sarkate