



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

CRIMINAL APPLICATION (ABA) NO. 364/2023

Narendra s/o Keshavrao Pimpale V/s 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. D.V.Chauhan, counsel for the applicant.

Mrs. Mayuri Deshmukh, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 31/01/2024.

1. Apprehending the arrest at the hands of Police in connection with Crime No. 330/2022 registered with Police Station Koradi, District Nagpur for the offences punishable under Sections 384 and 386 of the Indian Penal Code, 1860. The applicant has approached this Court for anticipatory bail.

2. The accusation is against the present applicant on the basis of report lodged by one Raju Anandrao Wankhede who alleged that he is running the business in the name and style as "Dattaprabhu Traders". On 03/07/2022, the present applicant called him at Toll Booth and demanded money from him Rs. 2,50,000/- and also threatened him, if the amount is not paid, some untoward incident would happen to him. On the basis of said report, the Police registered the offence against the present applicant.

3. Mr. D.V.Chauhan, learned counsel for the applicant submitted that the Sessions Court has passed the interim

order wherein it is observed that taking into consideration the entire set of circumstances, physical custody of the applicant is not required, and he was released on ad-interim anticipatory bail. Subsequently, that bail application is withdrawn. However, the applicant was not arrested by the Investigating Officer again, he has filed a Criminal Bail Application No. 1349/2023 and while disposing of the said application, the Sessions Court has observed that on perusal of the record, physical custody of the applicant is not required and ad-interim protection was granted to him.

4. He further submitted that the applicant has attended the concerned Police Station and cooperated with the investigating agency, only ground raised by the investigating agency is that his custody is required to recover the amount. As far as the custodial interrogation is concerned, which is not required, as there is no prima-facie material to show that it was the applicant who obtained the money from the complainant.

5. Learned APP strongly opposed the application on the ground that the custodial interrogation of the applicant is required, as the amount is to be recovered and therefore, the application deserves to be rejected.

6. After hearing the rival submissions of the parties, perused the material on record. The criminal bail application No. 2315/2022 was initially filed and interim protection was granted to the applicant by considering the recitals of the FIR. Subsequently, the said application was withdrawn by

the present applicant as he received the notice of the investigating officer. Thereafter, again he filed another application bearing Criminal Application No. 1349/2023 wherein also, he was protected by granting ad-interim anticipatory bail but while rejecting the application without any material, the Sessions Court has observed that the applicant failed to remain present before the Investigation Officer from 16/10/2022 till 22/10/2022. In fact, the notice issued by the Investigating Officer shows that he was informed that he will be called as and when required for the investigation purpose.

7. Considering these facts, the interim protection was granted to the present applicant. In the meanwhile, the applicant has also preferred the Criminal Application (APL) No. 1322/2023 before the Division Bench by this Court and this Court has restrained the investigating officer from filing of the charge-sheet.

8. Considering the order passed by the Division Bench of this Court and the recitals of the FIR admittedly, immediate custodial interrogation of the present applicant is not required. As far as the recovery of money is concerned, the applicant can be interrogated by the investigating officer as he is already directed to attend the Police Station for interrogation purpose. In view of that, the interim relief granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal application is allowed.
- b) In the event of his arrest, in connection with Crime No. 330/2022 registered with Police Station Koradi, District Nagpur and subsequently transferred to the Crime Branch Unit No.1.
- c) The applicant is released on anticipatory bail for the offence punishable under Sections 384 and 386 of the Indian Penal Code, 1860, on executing P.R. bond in the sum of Rs.30,000/- with one solvent surety in the like amount.
- d) The applicant shall remain present before the Crime Branch Unit-1 once in a week on Sunday between 10.00 a.m. to 01.00 p.m. till further orders for a period of two months.
- e) The applicant shall furnish his mobile number(s) along with address proof and shall furnish two names of nearest relatives with their address proof before the investigating agency.
- f) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]