



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.498 OF 2024
(Chandrakant s/o Pulin Biswas and anr. 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. M.R. Khan, Advocate for applicants.
Mr. C. A. Lokhande, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 29, 2024.

Apprehending the arrest at the hands of police, in connection with Crime No.479/2024 registered with Police Station Gittikhadan, Nagpur for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, 1860, the applicants approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicants is on the basis of report lodged by Chandrashekhar Dhaklia alleging that the Secretary of Neeta Housing Society, Dabha, Nagpur and the husband of applicant No.1 both were owners of plot No.11, Shyam Nagar, Bhagwan Nagar Road, Nagpur and the complainant purchased plot through applicants consisting of Mouza-Dabha, Kh. No. 17/2/1, 34/1/2 out of Plot No.20-B, total admeasuring 750 sq.ft.. It is further alleged that the complainant has also constructed the wall compound, but the present applicants have demolished the same and forcefully took the possession of the said plot.

3. Learned counsel for the applicants submitted that, taking into consideration the allegations as it is, the civil dispute arose between them, and as far as the criminal offence is concerned, no ingredients of offence is made out. Moreover, the offence alleged are punishable with imprisonment upto 7 years and no notice under Section 41 of the Code of Criminal Procedure, 1973 was issued. In view of that, the applicant be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that, considering the allegations, custodial interrogation of the applicants is required. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that the dispute between the parties is of a civil nature. As far as the custodial interrogation of the present applicant is concerned which is not required. In view of that, the interim protection granted to the applicants deserves to be confirmed.

6. Hence, the application is allowed. The interim protection granted to the present applicant vide order dated 09/07/2024 is hereby confirmed on the same terms and conditions.

7. The applicant shall attend the concerned police station as per the earlier direction, till filing of the charge-sheet.

8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*