



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

CRIMINAL APPLICATION (ABA) NO.575 OF 2024

(Mohit s/o Mamta Gupta 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. S.R. Gupta, Advocate for the applicant.
Mrs. H.N. Prabhu, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- SEPTEMBER 6, 2024.

Heard.

2. Apprehending the arrest at the hands of police in connection with Crime No.322/2024 registered with Police Station Sadar, Nagpur for the offences punishable under Sections 420, 468 and 471 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

3. The crime is registered on the basis of report lodged by Shrikant Chandrabhan Samatwar alleging that he was acquainted with the co-accused Sumit Keshav Pippar who introduced him with the present applicant and the other co-accused. It is alleged that said Sumit Pippar came to the Office of the complainant and showed him a Hyundai Creta Car bearing No.MH-43-BU-9870 and also informed him that the said car is for sale and showed all the documents of the car and the consideration amount was informed to him as Rs.8,50,000/-. Accordingly, the

complainant offered Rs.6,00,000/- for the said car and after negotiation with the owner of the car i.e. Vikas Agrawal, the deal was finalized, accordingly, the complainant called his brother Rishabh and handed over Rs.6,00,000/- in cash.

4. It is further alleged that the complainant has purchased the said car, but regarding the transfer, all the accused told him that the car will be transferred within two months in his name. But, the said car was not transferred in his name and the applicant and co-accused prepared the forged documents. On the basis of the said report, police have registered the crime against the present applicant.

5. Learned Counsel for the applicant submitted that as far as the present applicant who is shown to be an accused No.2 is concerned, except his presence, there is no other material to connect him with the alleged offence. It is submitted that as far as the recovery of the amount is concerned, the applicant has not received the said amount but it was the co-accused who has received the said amount, therefore, nothing is to be recovered from the present applicant also. In view of that, the interim protection granted to the present applicant deserves to be confirmed.

6. Learned APP strongly opposed the said application and submitted that the observation of the trial Court as well as the investigation papers shows that not only the car was sold out to the complainant but forged R.C. book was prepared by the present applicant and other co-accused, and therefore, the custodial interrogation of the present applicant is required. She also submitted that there are criminal antecedents against the present applicant.

7. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR from which it reveals that the transaction between the applicant and complainant is of a civil nature. Moreover, considering the allegation made by the complainant that forged R.C. book is prepared but during investigation no document or no statement is recorded by the Investigating Officer to substantiate the said fact. As far as his custodial interrogation is concerned which is not required. The applicant has cooperated with the investigating agency and mere criminal antecedents against the present applicant are not sufficient to reject the bail application of the present applicant. In view of that, the interim protection granted to the applicant deserves to be confirmed.

8. Hence, the application is allowed. The interim protection granted to the present applicant vide order

dated 07/08/2024 is hereby confirmed on the same terms and conditions.

9. The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigation agency, till filing of the charge-sheet.

10. On failure to attend the police station as directed by this Court would lead to cancellation of bail.

11. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*