



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, Through Police Officer, Police Station, Sadar, Nagpur

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

Court's or Judge's orders

Mr. S. R. Gupta, Advocate for applicant.

Mr. S. V. Narale, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 07/08/2024

Criminal Application (APPP) No.1411/2024

1. The application is for dispensing with filing of certified copy of order dated 09.07.2024.
2. Considering the reasons mentioned in the application, filing of the certified copy is dispensed with.
3. Criminal Application stands disposed of.

CRIMINAL APPLICATION (ABA) NO. 575 OF 2024

1. 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.

2. 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 Pippa who introduced him with the present applicant and the other co-accused. It is alleged that said Sumit Pippa 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.

3. 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 he was duped by preparing the forged documents. On the basis of the said report, police have registered the crime against the present applicant.

4. 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. There is no specific allegation that either he prepared the forged documents or he gave any inducement to the complainant.

5. Learned APP strongly opposed the said application and submitted that the observation of the trial Court shows that there is a *prima facie* material against the present applicant and therefore, his custodial interrogation is required and other co-accused are absconding.

6. 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 except the presence of the present applicant, there is no other allegations levelled against him. As far as his custodial interrogation is concerned which is not immediately required. In view of that, he can be protected by granting ad-interim protection. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest, 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 **Mohit s/o Mamta Gupta** shall be released on ad-interim anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) 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.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

7. Learned APP waives service of notice for the non-applicant/State.

8. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)