



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

CRIMINAL APPLICATION (ABA) NO.581 OF 2024

Pramod s/o Wasudeorao Harshe

Vs.

State of Maharashtra, Through Police Station Officer, Hudkeshwar, Nagpur

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

Court's or Judge's orders

Ms. Anuprita S. Mishrikotkar, Counsel h/f Mr. P. K. Bezalwar, Counsel for
the applicant.

Ms. Sneha Dhote, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/09/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.534/2024 registered with Police Station, Hudkeshwar, Nagpur District Nagpur for the offences punishable under Sections 420 and 467 of the Indian Penal Code, the present applicant approached this Court for grant of pre-arrest bail.

2. Heard learned Counsel for the applicant who submitted that the crime is registered on the basis of report lodged by Sailash Ramrao Supalkar alleging that he got acquaintance with the present applicant who was intending to sell out the flat No.302 and therefore, the informant entered into an agreement. It is further alleged that initially the said flat was sold to one Narendra Bhandarkar and it was mortgaged in the bank against the loan but the

applicant has again sold it to him and duped him by obtaining the earnest amount. On the basis of the said report, Police have registered the crime against the present applicant.

3. He submitted that as far as the transaction between the present applicant and the earlier owner of the said flat is concerned, they have settled the dispute and it was returned to the present applicant and thereafter, the present applicant has sold out the said flat. As far as the transaction is concerned which is of civil nature and no criminal offence is made out. Moreover, the custodial interrogation of the present applicant is not required. In view of that interim protection granted to the present applicant deserves to be confirmed.

4. Learned APP strongly opposed the said application on the ground that the applicant has concealed that the flat is already sold and it is mortgaged with the bank and again sold it to the informant. Thus, there was intention since inception and therefore, *prima facie* case is made out, in view of that the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that the applicant has sold out the said flat to one Narendra Tulshiramji Bhandarkar and Nindini Narendra

Bhandarkar. Subsequently, there was a settlement between the present applicant and the said Bhandarkar and said Bhandarkar has handed over the possession of the said flat to the present applicant. Prior to handing over the possession, the present applicant enter into an agreement with the informant and sold out the said flat to him. The allegation by the prosecution is that since inception he was having intention to cheat and therefore, by concealing this fact, he has sold out the said flat to the informant and therefore, offence is made out. Even accepting the said contention as it is, as far as the custodial interrogation is concerned which is not required as the entire issue revolves around the documents. Apparently, it appears that the dispute is of a civil nature. But even accepting the contention as it is, the custodial interrogation of the applicant is not required, in view of that, the interim protection granted to the present applicant deserves to be conformed. Accordingly, I proceed to pass following order:

ORDER

(i) The interim protection granted to the present applicant by order dated 12.08.2024 is hereby confirmed on the condition that the applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m., till filing of the charge-sheet.

(4)

40.aba.581.2024

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

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)