



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

CRIMINAL APPLICATION (ABA) NO.631 OF 2024

Ganesh s/o Chindhbaji Yelekar
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

Mr. P. K. Bezalwar, Counsel for the applicant.
Mr. K. R. Lule, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 25/11/2024

1. Apprehending the arrest at the hands of police, in connection with Crime No.595/2024 registered with Police Station Hudkeshwar, Nagpur for the offences punishable under Sections 420 and 467 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The applicant is apprehending arrest at the hands of police as the complainant Rakesh Ramchandra Pathe alleging that he has communicated with his landlord for purchasing the plot to construct the house. At that time, his landlord introduced him with one Nitesh Singar and Ganesh Yelekar i.e. the present applicant. His landlord Rajendra Nimbalkar and these two persons shown him one plot and it was disclosed to him that the

consideration amount was of Rs.10,50,000/-. Accordingly, he paid the earnest amount of Rs.80,000/-. After some time, he came to know that said plot is not owned by the present applicant and other co-accused, but it is owned by some other person and said original owner disclosed to him that he is not intending to sell the said plot. Thus, he was duped by the present applicant and other co-accused. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the nature of the transaction is concerned, which is of a civil nature. The custodial interrogation of the present applicant is not required. The applicant has cooperated with the investigating agency. In view of that, the 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 not attended the Police Station on two days regarding the same general diary entry is taken by the Investigating Officer. He has also not produced the original documents i.e. the agreement to sell which is necessary for the investigation purposes. In view of that the ad-interim protection granted to the present applicant deserves to be cancelled.

5. After hearing both sides. Perused the investigation papers from which it reveals that there was a transaction as to the sale of the plot and agreement to sell was entered by both parties. The earnest amount is also received by the present applicant and other co-accused. Considering the nature of the transaction, the applicant was protected by granting ad-interim protection. It seems from the general diary entry that he has not attended the Police Station on two occasions and has not produced the agreement to sell which is a vital document. Considering the fact that his custodial interrogation is required only for the purpose of seizure of the said document that can be taken care of by imposing certain conditions on the present applicant. In view of that, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) In the event of arrest, the applicant – **Ganesh s/o Chindhbaji Yelekar** in connection with Crime No.595/2024 registered with Police Station Hudkeshwar, Nagpur for the offences punishable under Sections 420 and 467 read with Section 34 of the Indian Penal Code, 1860, be released on anticipatory bail on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned Police Station once in a week i.e on every Sunday between 10.00 a.m. to 01.00 p.m., and shall cooperate with the investigating agency, till filing of the charge sheet.

(iv) The applicant shall attend the said Police Station on 1st of December, 2024 and shall produce the said original agreement to sell before the Investigating Officer.

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

(vi) On failure to attend and to cooperate the investigating agency would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)