



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

CRIMINAL APPLICATION (ABA) NO. 696 OF 2024

Pramod Kumar s/o Kartikram Rai V/s 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. R.R. Rajkarne, counsel for the applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/10/2024.

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.593/2024 registered with Police Station Gittikhadan, Nagpur for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

2. The crime is registered on the basis of a report lodged by Vinesh Varghese, alleging that applicant entered into an agreement with him to sell the plot No. 28 to him and obtained the earnest money but sold out the same to the other persons and thereby duped him.

3. Learned counsel for the applicant submitted that as far as this transaction is concerned, the agreement was entered between the applicant and the informant in the year 2000, and thereafter, for 24 years, he has not taken any steps for getting execution of the said document. Subsequently, he filed the suit, i.e. also after 24 years bearing case No. RCS/595/2024 and RCS/596/2024. He

submitted that, as far as the nature of the transaction is concerned, which is of a civil nature, the custodial interrogation is not required. In view of that, the protection granted to him deserves to be confirmed.

4. Learned APP strongly opposed the said application and submitted that the applicant has a tendency to dupe the persons in a similar way by entering into the agreement and thereafter not executing the property and selling the property to the third person. There are other FIRs registered against him also. Thus, considering the same, the application deserves to be rejected.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that the applicant and the informant entered into an agreement in the year 2000. Thereafter, no steps are taken by the present informant as far as the said execution of the said sale deed is concerned. Recently, he has filed this report as well as the suit for specific performance. Considering the allegation in the FIR also, it reveals that the dispute between both of them is of a civil nature. Thus, considering the nature of the offence, immediate custodial interrogation is not required. In view of that, interim protection granted to the present applicant deserves to be confirmed, subject to the condition imposed on him. Accordingly, I proceed to pass the following order;

a] The application is allowed.

- b] In the event of the arrest, in connection with Crime No.593/2024 registered with Police Station Gittikhadan, Nagpur for the offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860, the applicant- Pramod Kumar s/o Kartikram Rai, shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.
- d] On failure to attend the concerned police station, anticipatory bail granted to the present applicant deserves to be cancelled.
- e] The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]