



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

CRIMINAL APPLICATION (ABA) NO.740 OF 2024

Kishor s/o Champatrao Bhumber

Vs.

State of Maharashtra, Through Police Station Officer, Wathoda,
District Nagpur

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

Court's or Judge's orders

Mr. B. R. Deshmukh, Counsel for the applicant.

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

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/11/2024

1. While passing order dated 21.10.2024, it is inadvertently mentioned in operative part clause (c) that "The applicant shall not attend the concerned police station once in a week on Sunday between 10.00 a.m to 01.00 p.m. and shall cooperate with the investigating agency." The word "not" is inadvertently typed in the said clause (c), be corrected and corrected order be uploaded.

2. The present application is preferred by the present applicant for grant of pre-arrest bail in connection with Crime No.444/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860.

3. Heard learned Counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by Rijwana Aasif Sheikh on an allegation that the present applicant and the other co-accused are the partners of the Three Land Developers, and they have obtained the amount of Rs.3,00,000/- from her and entered into the agreement to sell the plot No.90 out of Khasra No.21/1. After obtaining the money, they have not executed any sale-deed in favour of the informant, and on inquiry, she came to know that they are not the owner of the said plot, but the said plot is owned by Satish Natthuji Sahare. Though the applicant has executed the possession-deed in her favour, but she has not received the possession, and the amount is also not repaid. On the basis of the said report, police have registered the crime against the present applicant.

4. The reply filed by the learned APP is taken on record.

5. Learned APP strongly opposed the said application on the ground that considering the nature of the offence, the custodial interrogation of the present applicant is required. In view of that, the application deserves to be rejected.

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

allegation is to the extent of cheating by obtaining the money and attempt was also made to sell out the plot, which is already owned by somebody else. As far as the allegations are concerned, the offence under Section 420 of the Indian Penal Code is attracted, for which punishment provided is less than 7 years. After interim protection was granted to the present applicant, the notice under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS) was issued to the present applicant and he has cooperated with the investigating agency. Considering that now the custodial interrogation of the present applicant is not required, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order:

ORDER

a] The application is allowed.

b] In the event of arrest, in connection with Crime No.444/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code, 1860, the applicant - **Kishor s/o Champatrao Bhumber** shall be released on anticipatory bail, on executing P.R. 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 on Sunday between 10.00 a.m to 01.00 p.m. and shall cooperate with the investigating agency.

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

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)