



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

CRIMINAL APPLICATION (ABA) NO.786 OF 2023

Nasir Kha Dulle Kha

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Shegaon City
District Buldhana

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

Court's or Judge's orders

Ms. A. R. Sharma, Advocate for applicant.

Mr. V. A. Thakare, APP for respondent/State.

Mr. M. V. Rai, Advocate for intervenor / assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 30/01/2024

1. The applicant is apprehending arrest at the hands of police. The present applicant is approached this Court for grant of anticipatory bail, in connection with Crime No.578/2023 registered with Police Station, Shegaon City, District Buldhana for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

2. Learned Counsel Ms. A. R. Sharma for the applicant submitted that as the applicant is apprehending his arrest at the hands of police in connection with the above crime, as accusation is made against him alleging that two persons namely Laxman Vishwanath Warade and Pankaj Sitaram Ghorpade, who represented themselves as an owner of the plot and accepted the amount as an earnest amount towards the

said transaction. As far as the present applicant is concerned, only allegation against him is that he has introduced the other co-accused and signed as a witness. Now, he has cooperated with the investigating agency and his custodial interrogation is not required. Therefore, interim protection granted in his favour deserves to be confirmed.

3. Learned APP strongly opposed the application on the ground that custodial interrogation is required. However, the learned Counsel for the intervenor submitted that during the pendency of this application, the amount is received by the complainant and now, they have settled the dispute.

4. Considering the nature of the dispute, which is civil in nature and the only allegation against the present applicant is that he has introduced the informant with the other co-accused and signed as a witness. The co-accused have accepted the money. The complainant has already received the said money, in view of that, custodial interrogation of the present applicant is not required. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) In the event of his arrest, the applicant **Nasir Kha Dulle Kha** be released on anticipatory bail on furnishing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount, in connection with Crime No.578/2023 registered with Police Station Shegaon City,

District Buldhana for the offences punishable under Section 420 read with Section 34 of the Indian Penal Code.

(iii) The applicant shall attend concerned Police Station as and when required for the investigation purpose and shall cooperate in the investigation.

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

(URMILA JOSHI-PHALKE, J.)