



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

CRIMINAL APPLICATION (ABA) NO. 495 OF 2024

Mr. Vikas Shivkumar Agrawal Vs 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. A.K. Bhangde, counsel for the applicant.

Mr. A.G. Mate, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/07/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 322/2024 registered at Police Station Sadar, Nagpur City, Nagpur for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. Learned counsel for the applicant submitted that the allegation against the present applicant is that, he is the owner of the Hyundai Creta Car bearing Number MH-43-BU-9870, and he agreed to sell it to the informant through accused- Sumit Pippar. It is alleged that the present applicant though accepted the amount of consideration not handed over the said car, and not transferred the ownership to the informant. It is further alleged that, present applicant has not returned the amount also. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the allegations are concerned, from which it reveals that the dispute is of a civil nature. As far as the custodial interrogation is concerned, which is not required, in view of that, the applicant be protected by granting ad-interim protection.

4. Learned APP strongly opposed the said application and submitted that, since inception, there was an intention to dupe the complainant and therefore, the applicant has received the amount and not handed over the car to the informant, and his custodial interrogation is required to recover the amount.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the recitals of the FIR. From which, it reveals that there was a breach of an agreement after obtaining the consideration amount. As far as the immediate custodial interrogation is concerned, which is not required. In view of that, prayer for ad-interim protection deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) In the event of arrest, in connection with Crime No. 322/2024 registered at Police Station Sadar, Nagpur City, Nagpur for the offence punishable under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, 1860, applicant – Vikas Shivkumar Agrawal, shall be released on ad-interim anticipatory bail, on executing PR.

Bond of Rs. 25,000/- with one solvent surety in the like amount.

- b) 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.
- c) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d) Issue notice to the non-applicant, returnable after **two weeks**.
- e) Learned Additional Public Prosecutor waives service of notice on behalf of non-applicant/ State and seeks time to file reply.

[URMILA JOSHI-PHALKE, J.]