



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

CRIMINAL APPLICATION (ABA) NO.60 OF 2025

Nirmal s/o Pradeepkumar Khubchandani
Vs.

State of Maharashtra, through Sitabuldi Police Station, 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. J. S. Duhilani, Counsel for the applicant.
Mr. V. A. Thakare, APP for non-applicant/State.
Mr. S. Dewani, Counsel for assist to prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.44/2025 registered with Police Station, Sitabuldi, Nagpur for the offence punishable under Sections 3(5), 316(5), 318(4) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that out of a civil dispute, the criminal complaint appears to be lodged against the present applicant. He also invited my attention towards an earlier complaint lodged by the applicant informing the police that the complainant is threatening. He submitted that there was a transaction as to the sale and purchase of the mobile, and the cheque issued was dishonoured. Regarding the same, the criminal

complaint is already filed. So it is apparent that out of a civil dispute, this report came to be lodged against the present applicant. As far as the custodial interrogation is concerned, which is not required.

3. Learned APP and learned Counsel for the complainant strongly opposed the said application on the ground that the custodial interrogation of the present applicant is required as the amount is to be recovered from him. In view of that, prayer for grant of anticipatory bail deserves to be rejected.

4. On hearing both sides, and on perusal of the recitals of the FIR, it reveals that out of the transactions between the present applicant and the complainant, one cheque was issued. Regarding the said transaction, the complaint under Section 138 of the Negotiable Instruments Act is already filed. Considering the nature of the dispute the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the present applicant by order dated 29.01.2025 is hereby confirmed subject to the condition that the applicant shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m, till filing of the charge-sheet and shall cooperate with the investigating agency.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)