



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

CRIMINAL APPLICATION (APPP) NO. 236 OF 2025 IN
CRIMINAL APPLICATION (ABA) NO. 60 OF 2025

Nirmal S/O. Pradeepkumar Khubchandani 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. J.S. Dhulani, 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 : 29/01/2025.

1. By this application, complainant is seeking permission to engage the counsel to Assist the Prosecution.
2. In view of the reasons mentioned in the application, the complainant is permitted to engage the counsel to assist the prosecution.
3. The criminal application (APPP) No. 236 of 2025 is disposed of.

CRIMINAL APPLICATION (ABA) NO. 60/2025

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 Bhartiya Nyay 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, this 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 dishonored. Regarding the same, the criminal complaint is already filed. So it is apparent that out of civil dispute, this report came to be lodged against the present applicant. As far as the custodial interrogation is concerned, which is not required. The applicant is ready to cooperate with the investigation agency.

3. Learned APP and learned counsel for the complainant strongly opposed the said application on the ground that 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 ad-interim protection deserves to be rejected.

4. After hearing both sides, and on perusal of the recitals of the FIR it reveals, out of the transactions between the present applicant and the complainant, one cheque was issued. Regarding the said transaction, the cheque was issued, and the said cheque was bounced. The previous complaint is also filed by the present applicant, apprehending that there is endanger to his life, as he was threatened. The recitals of the FIR itself is sufficient to show that the nature of

the dispute is of a civil nature. At this stage, immediate custodial interrogation is not required. In view of that, the applicant has made out a case for grant of ad-interim protection. Accordingly, I proceed to pass the following order.

- a] In the event of arrest, connection with Crime No. 44/2025 registered with Police Station, Sitabuldi, Nagpur for the offence punishable under section 3(5), 316(5), 318(4) of the Bhartiya Nyay Sanhita, 2023, the applicant – Nirmal s/o Pradeepkumar Khubchandani, shall be released on ad-interim anticipatory bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like.
- b] The applicant shall attend the concerned police station once in a week on Monday 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] Learned APP waives service of notice on behalf of non-applicant/State and seeks time to file reply.

5. Stand over after **two weeks**.

[URMILA JOSHI-PHALKE, J.]