



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.104 OF 2025

(Mohan s/o Jairam Thaokar 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.J. Nagbhirey, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 11, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.252/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 406 and 420 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that as per the allegation in the FIR, present applicant entered into an agreement with the informant to sell the plot and obtained the consideration amount and thereafter sold it to the third person. He submitted that considering the recitals of the FIR, the dispute appears to be of a civil nature. Only to give the color of the criminal offence this FIR came to be lodged. As far as the custodial interrogation is concerned which is not required. He submitted that the investigating agency has issued the notice under Section 41A of the Cr.P.C. itself is sufficient to

show that his custodial interrogation is not required. In view of that, he be protected by granting anticipatory bail.

3. Learned APP strongly opposed the application on the ground that the same plot is sold by the present applicant to two to three persons which shows his intention to dupe various persons. Considering the same, his custodial interrogation is required, and therefore, prayed for rejection of the application.

4. I have heard learned Counsel for both the sides. On perusal of the recitals of the FIR, it reveals that the nature of the transaction is of a civil nature. As far as the custodial interrogation is concerned which is not required. The investigating agency has also issued a notice under Section 41-A of the Cr.P.C. which also suggests that the custodial interrogation is not required. In view of that, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Mohan s/o Jairam Thaokar in connection with Crime No.252/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 406 and 420 of the Indian Penal

Code, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10.00 AM and 1.00 PM and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.

5. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*