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957 aba 353-2025

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

CRIMINAL APPLICATION (ABA) NO. 353 OF 2025

Jatin S/o Rajnikant Patel

Vs.

State of Maharashtra, Through Police Station Officer, Police Station Ram
Nagar Chandrapur

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

Court's or Judge's orders

Mr.N.S. Khandewale, Advocate for applicant
Mr. A.J. Gohokar, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/06/2025

. Apprehending the arrest at the hands of police in connection with Crime No. 0307/2025, registered with Police Station Ramnagar, Chandrapur, for the offences punishable under Sections 316(2) and 318(4) of the BNSS Act, 2023. The applicant approached to this Court for grant of anticipatory bail.

2. Heard learned Counsel for the applicant, who submitted that the allegations against the applicant is that despite entering into an agreement for sale with respect to a piece of land bearing plot No. 31. The sale deed was not executed and received the consideration amount of Rs.7,50,000/- towards sale consideration. He further submitted that considering the transaction which is in the nature of civil transaction and no offence is made out.

3. Learned APP strongly opposed for the same and submitted that considering the allegations levelled against the applicant, his custodial interrogation is required to recover the amount. In view of that the application deserves to be rejected.

4. On hearing both the sides and on perusal of the FIR, which indicates that the dispute between the parties is in relation to the execution of the sale deed with respect to the subject plot and in the alternative refund of the amount. It is a civil nature of dispute. Considering the same, the custodial interrogation is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

(i) The application is allowed.

(ii) The interim protection granted to the applicant by order dated 19/05/2025, is hereby confirmed on the condition that the applicant shall attend the concerned police station as and when required for the investigation purpose on receipt of the notice in advance from the Investigating Officer.

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

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)