



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

CRIMINAL APPLICATION (ABA) NO.390 OF 2025

Shailesh s/o Rameshwar Tokwar

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Balapur, District Akola

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

Court's or Judge's orders

Mr. N. R. Tekade, Counsel for the applicant.
Ms. S. S. Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/06/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.150/2025, registered with Police Station Balapur, District – Akola, for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of information supplied by the informant namely Om Ramdas Wankhade, who is an agriculturist, residing at Akola Naka, Balapur. He alleged that the informant was intending to purchase a truck about which applicant had knowledge. The applicant called the informant telephonically and informed that one ten-wheeler tipper of Ashok Leyland Company is

available for sale. In further informed that he took the said vehicle in auction conducted by a finance company and same in his possession and also shown him photographs of the vehicle. Accordingly, the sale consideration was fixed at Rs.25,75,000/-. The applicant further assured him that the transaction may be without any encumbrances. Believing the words of the applicant, the informant paid Rs.2,00,000/- in cash and Rs.1,40,000/- through PhonePe was given to the applicant and Rs.5,00,000/- to the co-accused. Thereafter, the informant demanded for the delivery which was avoided by the present applicant for one or the other reason and it revealed to the informant that he is cheated by the present applicant. 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 the transaction could not be completed, therefore, this false FIR came to be lodged against the present applicant. He has already attended the concerned Police Station and cooperated with the investigating agency, therefore, the custodial interrogation of the present applicant is not required.

4. Learned APP strongly opposed the said application and at the same time, fairly submitted

that the applicant has attended the Police Station and cooperated with the investigating agency.

5. Considering the nature of the offence, and as the applicant has already cooperated with the investigating agency, his custodial interrogation is not required. In view of that, the interim protection granted to the present applicant deserves to be confirmed. 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 30.05.2025 is hereby confirmed on the condition that he shall attend the concerned police station once in a week i.e. on every 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 directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)