



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

CRIMINAL APPLICATION (ABA) NO. 400 OF 2025

Mangesh s/o Madhukar Sahare 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. VN. Mate, counsel for applicant.

Mr. Ganesh Umale, APP for Non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/07/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.33 of 2025 registered with Police Station Dhantoli, Nagpur for the offence punishable under Sections 316(2), 318(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of anticipatory bail.

2. Heard learned counsel for the applicant submitted that crime is registered on the basis of a report lodged by Vipin Suresh Gadgilwar, on an allegation that the informant is doing a money-lending business. For managing the business of money lending, Shri Sunil Sahare, the brother of the applicant, was appointed in March-2024 for collecting the installments and loan amounts from the borrowers. From 05/03/2024 till June 2024, everything was done smoothly by him, but in the beginning of July 2024, he

found that the amounts collected from the borrowers were not paid to him, and therefore, he made an inquiry, and it revealed that the present applicant and brother had not deposited the amount and had used the said amount for their own personal use. On the basis of the said report, police have registered the crime against the present applicant.

3. He submitted that the investigating officer has issued the notice to the present applicant under Section 35(3) the BNSS. The applicant has attended the police station, which can be ascertained from the reports filed by the investigating officer before the Sessions Judge. Now, in a reply, they come with the case that the applicant has not attended the police station. Thus, it reveals from this communication that the investigating officer is not conducting the investigation fairly and is making a wrong statement before the court. He further submitted that as far as the custodial interrogation is concerned, which is not required. The cheques in question have already been deposited by the informant, and if the applicant's involvement is established, the informant can initiate proceedings against the applicant. In view of that, he be protected by granting anticipatory bail.

4. Learned APP only contended that despite the notice, he has not attended the police station, which is

contrary to the report filed by the investigating officer before the Sessions Judge.

5. Considering the submissions made by the learned counsel for the applicant and on going through the investigation papers, it reveals that the applicant has already attended the concerned police station, and is cooperating with the investigating agency. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal Application is allowed.
- b] In the event of his arrest in connection with Crime No.33 of 2025 registered with Police Station Dhantoli, Nagpur for the offence punishable under Sections 316(2), 318(4) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, the applicant ***Mangesh Madhukar Sahare*** shall be released on anticipatory bail, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station once in a week on Monday

tween 10.00 a.m. to 01.00 p.m. and shall cooperate with the investigating agency.

- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]