



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

CRIMINAL APPLICATION (ABA) NO. 797 OF 2024

Mr. Raman Lalit Khanna and ors Vs State Of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.P. Raghute, counsel for applicants.

Mr. C.A. Lokhande, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/01/2025.

1. By this application, the applicants are seeking pre-arrest bail in connection with Crime No.213/2024 registered with Police Station Wadi, Nagpur for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by Dr. Santosh Rajendra Tiwari alleging that he entered into an agreement with the company, namely MATRA Realty and Developers Ltd. to purchase the flat. It was agreed that he would get possession of the flat on depositing the consideration amount. Accordingly, he has paid the consideration amount, but the possession of the flat was not given to him. In fact, the possession was to be given in the year July, 2018. He has already paid the consideration amount of Rs.2.00 Crores. As the possession was not received by him, he demanded the amount, and the office bearers of the said company handed over to him a cheque of Rs.2.58 Crores but the said cheque was again

taken back on the pretext that they would issue another cheque, and no such cheque was issued, and the said flat was also sold to the third person. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that considering the allegation as it is, it was an agreement to sell therefore, the civil transaction appears to be there from the allegation. As far as the custodial interrogation is concerned, which is not required. He has also invited my attention towards the memorandum of understanding and submitted that on going through the memorandum of understanding, no offence is committed by the present applicants. No specific role is attributed to them, in view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that considering the stake of the amount which is involved and considering the fact that though the applicants agreed to give a possession of the flat, however, not handed over the same. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for both the parties, perused the recitals of the FIR and the documents filed on record. From which, it reveals that there was a transaction between the informant and the present applicants, which was of a civil nature, and there is a breach of agreement. As far as the immediate custodial

interrogation is concerned, it reveals that the applicants have already attended the concerned police station and cooperated with the investigating agency. From the investigation papers, it further reveals that the investigating agency has already collected relevant documents from the present applicants, the statement of one of the accused is also recorded. The other directors have already arrested and released on bail. Considering the same, no immediate custodial interrogation of the present applicants is required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :

- a] The criminal application is allowed.
- b] In the event of arrest, the applicants – **1) Mr. Raman Lalit Khanna, 2) Mr. Aryaman Arun Khanna, 3) Mr. Darshan Dipak Mehta and 4) Mr. Hozeifa Abbas Amreliwala**, in connection with Crime No.213/2024 registered with Police Station Wadi, Nagpur for the offence punishable under Sections 420, 406 read with Section 34 of the Indian Penal Code, 1860, be released on anticipatory bail, on executing P.R. Bond of Rs.25,000/- each with one solvent surety each in the like amount.
- c] The applicants shall attend the concerned police station once in a week on every Sunday between 10.00 AM and 1.00 PM till

filing of the charge-sheet, and shall cooperate with the investigating agency.

- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case either personally or by way of electronic media.

6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]