



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

CRIMINAL APPLICATION (ABA) NO. 231 OF 2025

Yogesh s/o Bankimchandra Tembhurnikar and another Vs State of Maharashtra

WITH

CRIMINAL APPLICATION (ABA) NO. 233 OF 2025

Jayawant s/o Sakharam Gawas Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Ashwin Wasnik, counsel for applicants.

Mr. Anant Ghongare, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th JULY, 2025

1. By these applications, the applicants are seeking pre-arrest bail in connection with Crime No. 39/2025 registered with Police Station Kapil Nagar Police Station, Nagpur, for the offence punishable under Section 420 read with 34 of the Indian Penal Code, 1860.

2. Heard learned counsel for the applicant, who submitted that the crime is registered on the basis of a report lodged by Sunil Gulabrao Tanodkar, on an allegation that the present applicants are the owners of a showroom, namely City E-bike, and dealing with selling of the e-bikes. The present complainant and his friends booked the e-bike, they have obtained the money from them towards the purchase price and not provided the bike and also not returned the amount of Rs. 2,65,000/- towards the said bike. On the basis

of the said report, police have registered the crime against the present applicants. He submitted that now, they have already received the bike. Thus, nothing is to be recovered from the present applicants, and therefore, their custodial interrogation is not required.

3. Learned APP strongly opposed the said application and submitted that, though bikes are provided, but it was without the battery, and therefore, custodial interrogation of the present applicants is required, as they are also involved in chain marketing. In view of that, prayed for the rejection of the applications.

4. On hearing both sides and on perusing the investigation papers, it reveals that the bikes have already been handed over to the complainant. As far as the investigation part is concerned, the relevant statements have already been recorded therefore, the custodial interrogation of the present applicants is not required. Moreover, there is no compliance with the requirement of issuing a notice under Section 35(2) of the BNS, as the offence is punishable with imprisonment for less than seven years. Considering all these aspects, the applicants have made out a case for grant of anticipatory bail. Accordingly, I proceed to pass the following order.

ORDER

- a] Criminal Applications are **allowed**.
- b] In the event of arrest the applicant – *(1) Yogesh Bankimchandra Tembhurnikar (2) Roshan s/o*

Ratan Gondane in Criminal Application (ABA) No. 231/2025; and ***Jayawant s/o Sakharam Gawas*** in Criminal Application (ABA) No. 233/2025 shall released on anticipatory bail in connection with Crime No. 39/2025 registered with Police Station Kapil Nagar Police Station, Nagpur for the offence punishable under Section 420 read with 34 of Indian Penal Code, 1860 on execution P.R. bond of Rs.25,000/- each with one solvent surety in the like amount.

- c] The applicants shall attend the concerned Police Station once in a week on Sunday between 10:00 a.m. to 01:00 p.m. and shall co-operate with the investigating agency.
- d] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicants shall attend the proceedings before the trial without seeking any exemption unless there are exceptional circumstances.

(URMILA JOSHI-PHALKE, J.)