



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

CRIMINAL APPLICATION (ABA) NO.252 OF 2025

Shri Deepak s/o Vitthal Prasad Dube and another
Vs.

The State of Maharashtra thr. Its Police Station Officer, PS Mankapur
(City) Dist. Nagpur

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

Court's or Judge's orders

Mr. Akshay Naik, Senior Counsel assisted by Mr. A.N. Shinde, Counsel for the
applicants.

Mrs. H.N. Prabhu, APP for the non-applicant/ State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.122/2025 registered with Police Station, Mankapur, District Nagpur for the offences punishable under Sections 3(5), 318(4), 319(2), 335, 336(2), 336(3), 338, 340(2), 61(2) and 62 of the Bharatiya Nyaya Sanhita, 2023, the applicants approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicants who submitted that the crime is registered on the basis of the report lodged by Vijay Jagatdhari Singh Thakur, who is the prospective purchaser who has no *locus standi* to lodge the report. He further submitted that applicant No.1 is the owner of survey No.9/4 ad measuring 1 acre, which he had purchased on

05/08/1993. He submitted that as per the allegation the present applicants have sold out the land to Kiran Raghtate and the present informant is the prospective purchaser who has decided to purchase the above said land from said Kiran Raghtate. He submitted that in fact, the present applicants have not sold out the land. He is the owner of the said property. The said sale deed is executed by way of impersonation and therefore, they had already filed the suit for cancellation of the said sale deed, which is pending before the Civil Judge Senior Division, Nagpur. He has also invited my attention towards the documents that are on record which show that the applicant No.1 has purchased by way of registered sale deed the survey no. 9/4 admeasuring 1 acre out of 1.25 H.R. Thus, he submitted that considering the allegations levelled against present applicants as the present applicants have already filed the civil suit for cancellation of the said sale deed and the informant has no *locus standi* to lodge the report and the allegations levelled against the present applicants are baseless. The applicants be protected by granting ad-interim anticipatory bail.

3. Learned APP for the State strongly opposed the bail application on the ground that the observations of the Sessions Judge while rejecting the bail application shows that the present applicant No.1 has executed a sale deed in favour of Kiran Raghtate and the informant is the proposed

purchaser from Kiran Raghtate. The applicant No.1 is not the owner of the said property. Therefore, he has not ready to execute the sale deed in favour of the Rashmi Joshi and others. She further submitted that considering the nature of the transactions the custodial interrogation of the present applicants is required. In view of that, the application deserves to be rejected.

4. After hearing both sides and perusal of the documents it reveals that the registered sale deed is in favour of the present applicant No.1. The another sale deed also shows that he has sold some portion to applicant No.2 Rashmi Joshi who is his sister-in-law. As far as the allegations levelled by the informant are concerned, at this stage immediate custodial interrogation of the present applicants is not required as documents to the contrary show that the present applicants were the owner of survey No.9/4 admeasuring one acre and a civil suit is already filed for cancellation of the said sale deed which is shown to be executed in favour of the Kiran Rathtate. Thus, entire investigation involves around the documentary evidence. Immediate custodial interrogation is not required. The applicants have made out the case for grant of ad-interim protection.

5. In view of that I proceed to pass following order.

ORDER

(i) In the event of arrest, in connection with Crime No.122/2025 registered with Mankapur Police Station, District Nagpur for the offences punishable under Sections 3(5), 318(4), 319(2), 335, 336(2), 336(3), 338, 340(2), 61(2) and 62 of the Bharatiya Nyaya Sanhita, 2023, the applicant No.1-Shri Deepak s/o Vitthal Prasad Dube and applicant No.2- Mrs. Rashmi w/o Anurag Joshi shall be released on anticipatory bail on executing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Only) each with one solvent surety in the like amount.

(ii) The applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iii) The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case..

6. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)