



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

Criminal Application (ABA) No. 885 of 2025

Irfan S/o Salim Khan

Versus

State of Maharashtra through Police Station Officer, Police Station
Wathoda, Nagpur

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

Court's or Judge's Order

Shri R.A.Biramware, Advocate h/f Shri O.K.Masurke,
Advocate for the applicant.

Shri Anant Ghogare, APP for the non-applicant/State.

CORAM : NIVEDITA P. MEHTA, J.
DATED : 25th NOVEMBER, 2025.

1. Issue notice to the non-applicant, returnable
on **09.12.2025**.
2. The learned APP waives service of notice for
non-applicant and seeks time to file reply. Time as
sought is granted.
3. The applicant has filed the present
application seeking anticipatory bail, apprehending his
arrest in connection with Crime No. 0162/2025,
registered with Police Station Wathoda, District Nagpur,

under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code (hereinafter referred to as “IPC”).

4. The prosecution case, in brief, is that in the year 2010, the informant purchased Plot No. 16, admeasuring 900 sq.ft., in Khasara Nos. 116/1 and 117/2, situated at Bhandewadi, for a consideration of Rs. 1,80,000/-, which was duly paid, and the sale-deed was executed. Subsequently, in the year 2020, the informant purchased additional plots. On 06.01.2025, office-bearers of the Nagpur Improvement Trust (NIT) visited the said plots, removed encroachments, and informed the informant that the plots sold by the accused were illegal. Upon verification at the office of NIT, it was revealed that the accused persons were never the owners of the said plots, which were in fact acquired by NIT.

5. Learned counsel for the applicant submits that no specific allegations have been levelled against the applicant in the complaint. It is contended that the applicant made full payment to Mr. Jafarullah Khan

during 2022–2024. The complaint, according to the learned counsel, essentially concerns civil disputes which have been erroneously framed as criminal offences. Further, it is submitted that there is nothing to be seized from the applicant. Accordingly, he seeks ad-interim anticipatory bail.

6. Per contra, learned Additional Public Prosecutor submits that the applicant's name is mentioned in the FIR along with other accused persons and that they were involved in preparing a bogus layout of plots which they never owned. Custodial interrogation of the applicant is, therefore, required to ascertain the number of persons allegedly cheated and to recover the amounts received pursuant to such fake and bogus sale-deeds.

7. Upon perusal of the rival submissions and the material on record, this Court is of the prima facie view that custodial interrogation of the applicant does not appear to be necessary at this stage, as the relevant

papers have already been seized by the Investigating Officer. Moreover, the allegations made in the complaint appear to be of a civil nature, which have been given a criminal colour. The investigating agency can obtain the required information without taking the applicant into custody.

8. In view of the above, the applicant is entitled to be released on ad-interim anticipatory bail, subject to the following conditions:

I. In the event of arrest of the applicant in with Crime No. 0162/2025, registered with Police Station Wathoda, Dist. Nagpur Sections 420, 468, 471 read with Section 34 of the Indian Penal Code, the applicant shall be released on furnishing solvent surety of Rs.25,000/- with PR bond of like amount.

II. The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the investigation.

III. Interim protection shall operate till 09.12.2025.

[NIVEDITA P. MEHTA, J.]