



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

CRIMINAL APPLICATION (ABA) NO. 249 OF 2026

JAIKARAN MANHARAN GURUPUNCH
VS
STATE OF MAHARASHTRA THR PSO., PS KALAMNA, NAGPUR CITY DIST. NAGPUR

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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Shri S.C.Meshram, Advocate for applicant.
Shri S.B.Bissa, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 30th APRIL, 2026.

Apprehending arrest, the applicant/accused has preferred this application in connection with First Information Report No. 79/2026, dated 31/01/2026, registered with Police Station Kalamna, Nagpur for the offences punishable under Sections 420 and 406 of the Indian Penal Code, 1860.

2. A reporter/informant of the crime is one Birbal Jakhanlal Varma, who has alleged in the FIR that in the year 2017, he had been to the Office of Swastik Builder and Land Developers and met with the present applicant to make inquiry regarding purchase of plots. At that time, the applicant informed that in P.H. No.19, Mouze - Shirpur, he had earmarked several plots and shown it to the informant. The plot No. 259, admeasuring 1170 Sq.ft. was then agreed to be purchased by the informant for a total consideration of Rs. 2,34,000/- and thereafter, from 22.05.2017 till 08.04.2019, total amount of Rs. 2,34,000/- was paid to the applicant. It was further alleged that

thereafter, on several occasions, the informant had requested to execute the possession receipt in his favour, but his request was not considered. The informant then affixed a board on the plot showing his name, but after some time, he could not notice the board affixed there.

3. The informant then collected the record of the land concerned and came to know that the applicant had sold the land to one Ravi Jain and others. The informant inquired with the applicant about execution of the sale deed, who refused to execute the same in favour of informant. The applicant in the aforesaid background submitted a complaint to the non-applicant/Police Station. It is further alleged in the FIR that 15 persons were also cheated by the applicant in similar manner and a huge amount of Rs. 23,41,000/- was accepted by the applicant.

4. The learned counsel for the applicant in the aforesaid background contended that a Civil Suit is already filed by one of the plot holders by name Ravishankar Ramsingh Sakhare against the applicant and Swastik Builders and Land Developers for Specific Performance of Contract, Declaration and Permanent Injunction, in which all the persons were named in the FIR have also preferred an Application under Order I Rule 10 of Code of Civil Procedure, 1908 (for short "CPC"). He thus, submitted that the dispute is of civil nature.

5. *Per contra*, the learned APP for the State has contended that the persons who paid the amount to the applicant for purchase of the properties are either

labourers or the poor persons and the tendency of the applicant to cheat is crystal clear from the averments made in the FIR. He has duped more than 15 persons. He also submitted that the offence under Prohibition Act is also registered against the applicant in Chhatisgarh. He submitted that, the custodial interrogation of the applicant is necessary and the *prima facie* case is made out.

6. With the assistance of the respective learned counsels, I have gone through the record of the case and have given thoughtful consideration to the arguments advanced. The complainant has come with a very specific case in the FIR that he agreed to purchase the piece of land from the applicant and for that, from 22.05.2017 till 08.04.2019, he had paid an amount of Rs. 2,34,000/- to the applicant. The report also shows that when the record was inspected by the applicant, it was found that the property was sold to some other persons. Total 16 persons who are duped are also named in the FIR. The offences registered are under Section 406 and 420 of the IPC.

7. The question while deciding the anticipatory bail is not only of grant of custodial interrogation, but also whether *prima facie* is made out against the applicant or not. The manner, in which, the transaction was entered into not only with the informant but also with 15 other persons, shows that the applicant was developing fraudulent intention from initial stage. The act of applicant in cheating the poor persons, some of whom are labourers, cannot be ignored. As a *prima facie* case is made out, the

pendency of the civil suit or filing of an application under Order I Rule 10 of CPC will not dilute criminal liability of the applicant, at this stage. In that view of the matter as *prima facie* case is made out, I do not find any merit in the application and therefore, the same is **rejected**.

(RAJNISH R. VYAS, J.)

B.T.K.