FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1484 OF 2014
[Jaydeep Chandrakant Dahatonde and others Vs The State of Maharashtra & anr.]

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

Shri V.R.Dhorde, advocate for applicants
Smt. S.G.Chincholkar, A.P.P. for respondent nos. 1 and 2
Shri Abhay Nevagi and Associates, for respondent no. 3

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CORAM : V.M.DESHPANDE, J.
DATED : 14th July, 2015

PER COURT : -

1] This is an application for anticipatory bail, since the applicants are apprehending their arrest, in connection with Crime No. 55 of 2014, registered at Kranti Chowk police station, Aurangabad, for the offences punishable under Sections 403, 406, 417, 418, 420, 424, 425 r/w 120-B of the Indian Penal Code.

2] I have heard Shri V.R.Dhorde, learned counsel for applicants, Smt. S.G.Chincholkar, learned A.P.P. for respondent nos. 1 and 2.

3] In spite of ample opportunities given to the learned counsel for respondent no.3, every time the learned counsel chose to remain absent from this court. Even in the order, dated 12.6.2015, this court has observed that if in future the

counsel for respondent no.3 chose not to remain present, the court will proceed in absence of respondent no.3.

4] This court (Coram : Abhay M.Thipsay, J.) on 17.4.2014 granted ad-interim anticipatory bail in favour of the present applicants. While granting ad-interim anticipatory bail in favour of the applicants, this court has observed that the dispute between the first informant and the present applicants is primarily civil in nature.

5] I have gone through the first information report. I see no reason to disagree with the observations made in the order, dated 17.4.2014. Further, it is pointed out that the arbitration proceedings in respect of the dispute were taken out against the present applicants by the first informant. In the said arbitration proceedings, award was passed in favour of the fist informant.

6] Learned counsel Shri Dhorde submitted that the first informant thereafter put the said award to execution by filing Darkhast proceedings registered as RD (Arb)409 of 2013, however, the decree holder/present complainant was not diligent even to prosecute the said proceedings, and therefore, on 21.2.2015 the District Judge, Aurangabad passed the order below Exh.1 in the said Darkhast proceedings and Darkhast was dismissed for want of prosecution.

7] Further, the present applicants are enjoying the interim protection from 17.4.2014. Till today, there is no complaint on the part of the prosecution that the present applicants have misused the liberty granted in their favour.

8] Looking to the fact that the interim order is in operation since long, further the dispute between the first informant and

the present applicants is purely civil in nature, it is my considered view that the order, dated 17.4.2014 shall be confirmed. That leads me to pass following order.

9] Criminal Application No. 1484 of 2014 is allowed. The interim order, dated 17.4.2014 is confirmed on the same conditions.

10] Application is disposed of.

(V.M.DESHPANDE, J.)

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