

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 1973 OF 2015.

VINOD S/O BHAGCHAND MANDLECHA.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance ==>

Mr. B.R. Waramaa, Advocate for the Applicant.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : **V.M. Deshpande, J.**

DATE : **5th May, 2015.**

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.40/2015 registered with Police Station, Bhokardan, District – Jalna, for the offences punishable under Section.s. 420, 323, 504 read with 34 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

[2] Heard Mr. B.R. Waramaa, learned counsel for the Applicant and Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by Subhash Raghoji Jogdand. According to the First Information Report, when the first informant alongwith Dharamsingh Motiram Maher entered into the

agricultural field; that time, present applicant and his servant Vinod Shirsath came there and they obstructed the first informant and Dharamsingh from ploughing the agricultural field and that time, present applicant has uttered abusive words in the name of caste against the first informant.

[4] It is not in dispute that first informant executed registered sale deed in respect of the disputed property in favour of present applicant on 12th July, 2002 for consideration of Rs.36,000/-. Said sale deed is registered with the office of Sub Registrar. It is also not in dispute that, brother and mother of the first informant instituted Civil Suit against the present applicant and the first informant for cancellation of said sale deed. Said Suit is registered as Regular Civil Suit No.29 Of 2008. Said suit was dismissed on 11th March, 2011 for want of prosecution however, it is informed to this court by the learned counsel for the applicant and also the learned Additional Public Prosecutor for the State that application for restoration of said Suit is filed and the same is pending before the competent Civil Court.

[5] Further the learned Additional Public Prosecutor from the investigation papers pointed out to this court that, one agreement is executed in between the present applicant and the first informant on 12th July, 2002 wherein present applicant has agreed to execute the deed of re-conveyance in respect of the dispute property in favour of the first informant.

[6] Looking to the aforesaid aspect, it is clear that the nature of dispute between the parties is civil in nature. Sale deed is also executed in respect of the disputed property in favour of present applicant by the first informant. Therefore, in that view of the matter, false implication at the behest of the first informant cannot be ruled out, that leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - VINOD S/O BHAGCHAND MANDLECHA in the event of his arrest shall be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rs. Ten Thousand.] with one solvent surety in the like amount, in connection with CR No.40/2015 registered with Police Station, Bhokardan, District – Jalna, for the offences punishable under Section.s. 420, 323, 504 read with 34 of the Indian Penal Code and under Section 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (iii) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)