

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

Criminal Application No. 3469 Of 2014

SABER HUSSAIN GULAM HUSSAIN.
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS.

Appearance =>

Mr. Pravin N.Kalani, Advocate for the Applicant.

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

Mr. H.J. Pathan, Advocate for Non-Applicant No.s. 2 and 3.

CORAM : V.M. Deshpande, J.

DATE : 7th April, 2015.

Per Court :-

By the present Criminal Application, the applicant is seeking cancellation of order dated 24th March, 2014 passed by the learned Extra Joint Ad-hoc Additional Sessions Judge, Parbhani, District – Parbhani in Criminal M.A.No.85/2014 granting anticipatory bail in favour of present Non-Applicant No.2 – Iqbal Hussain s/o Jameel Hussain and Non-Applicant No.3 – Mehrunissa Begum w/o Jameel Hussain, in connection with CR No. 31/2014 registered with Police Station, New Mondha, Parbhani, District – Parbhani for the offences punishable under Section.s. 420, 447, 409, 467, 468, 471 read with 34 of the Indian Penal Code.

[2] Heard Mr. Pravin N.Kalani, learned counsel for the Applicant, Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State and Mr. H.J. Pathan, learned counsel for Non-Applicant No.s. 2 and 3.

[3] This court (Coram : T.V. Nalawade, J.) on 27th February, 2015 observed that, civil dispute is pending between the parties, therefore, parties to the application were directed to produce the relevant record of the Civil Court. In pursuance to that, Mr. Kalani, learned counsel for the applicant has placed on record the documents, which are marked as “X” for identification purpose. (Page Nos. 76 to 117 of the compilation)

[4] It appears from those documents that, long standing civil dispute is going on in between the present applicant - Defendant No.3 in Regular Civil Suit No.202/2006, which is instituted by present Non-Applicant No.3 (Plaintiff in Regular Civil Suit No.202/2006).

[5] This court is of view that, the learned trial court has not committed any mistake in granting anticipatory bail in favour of Non-Applicant Nos. 2 and 3 especially when long standing civil dispute is going on in between the parties and they are at logger head. Further the learned Judge of the court below also directed Non-Applicant Nos. 2 and 3 to attend the Police Station. The learned Additional Public Prosecutor has not pointed out that at any point of time, Non-Applicant Nos. 2 and 3 has flouted the said directions. The anticipatory bail is granted on 24th march, 2014.

[6] Looking to the fact that civil dispute is going on, this court is of view that, the applicant has not made out case for cancellation of bail. Hence, Criminal Application is dismissed.

(V.M. DESHPANDE, J.)