

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4465 OF 2015

Abhay Sakharampant Bangale ..APPLICANT

VERSUS

The State of Mah. ..RESPONDENT

Ms P.P. Kothari, Advocate holding for Mr S.S. Bora, Advocate for applicants;

Ms M.S. Patni, A.P.P. for respondent no.1;

Mr S.W. Munde, Advocate for respondent no.2

CORAM : N.W. SAMBRE, J.

DATE : 8th September, 2015

ORAL ORDER :

The applicant is apprehending arrest at the hands of police, in connection with C.R. No.36 of 2015, registered with police station, Basmatnagar (City), District Hingoli, for offences punishable under sections 406, 420 read with sec. 34 of the Indian Penal Code.

2. The crime is based on an agreement of sale of immovable property.

3. Perusal of the contents of the first information report *prima facie* reflects that the accusations are pertaining to a civil dispute, for which the remedy to the complainant is elsewhere, to which, admittedly, he has not

taken recourse to, till date.

4. Learned Addl. Public Prosecutor has opposed release of the applicant on pre-arrest bail. Apart from him, Mr Munde, learned Counsel permitted to assist the learned Addl. Public Prosecutor, has opposed grant of pre-arrest bail, on the ground that custodial interrogation is necessary for obtaining specimen signatures of the accused persons and for recovery of the amount paid under the contract. It is difficult to accept such contention, particularly in the light of the law dealing with the issue of requirement of custody of the accused for interrogation purpose.

5. In view of above, in my opinion, it will be appropriate to order release of the applicant on bail, in the event of his arrest. Hence, following order :-

In the event of arrest of the applicant, in connection with C.R. No.36 of 2015, registered with police station, Basmatnagar (City), District Hingoli, for offences punishable under sections 406, 420 read with sec. 34 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount. The applicant shall attend the concerned police station daily, between 10.00 a.m. and 11.00 a.m., initially for a period of four days and thereafter as and when called by the Investigating Officer. The applicant shall keep away himself from the

jurisdiction of the concerned police station, save and except for attending the police station.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj