

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4618 OF 2015

Vilas s/o Shivram Divte & anr. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr Vijay V. Deshmukh, Advocate for applicants;
Mr G.O. Wattamwar, A.P.P. for respondent;
Mr V.D. Hon, Senior Advocate, instructed by Mr A.V. Hon, Advocate to
assist Addl. Public Prosecutor

CORAM : N.W. SAMBRE, J.

DATE : 14th October, 2015

ORAL ORDER :

By the present application, the applicants seek release on bail, in the event of their arrest, in connection with C.R. No.I-52/2015, registered with Belwandi police station, Taluka Shrigonda, Dist. Ahmednagar, for offences punishable under sections 420, 504 and 506 of the Indian Penal Code.

2. The applicant and his wife are the partners of Piyo-G Food Products company and have entered into a Memorandum of Understanding along with the complainant, who happens to be Director of S. Datta Mineral Water Pvt. Ltd. It is the allegation against applicant no.1 Vilas that he has abused the complainant in filthy language and threatened to kill him and his son.

3. Upon perusal of the first information report and the other documents placed on record, *prima facie* it depicts that there appears to be a civil dispute between the present applicants and the complainant, as according

(2)

to the complainant, the applicants have not honoured the terms of the Memorandum of Understanding as was reached between them, in relation to the immovable property, for which the sale deed was executed on 4th July, 2014.

4. The applicants submit that they are falsely implicated in the crime in question.

5. Learned Addl. Public Prosecutor, along with Mr Hon, learned Senior Counsel, has opposed the bail application, on the ground that applicant no.1 is habitual offender. Apart therefrom, according to the learned Addl. Public Prosecutor, there are various offences registered and pending against applicant no.1, at the behest of the complainant herein and other villagers. Thus, he prayed to reject the application.

6. It is required to be noted here that so far as the other offences are concerned, the same are noted to be arising out of either Negotiable Instruments Act or the bailable offences, or such cases in which the Court has already granted bail to applicant no.1. *Prima facie*, I am of the opinion that in view of existence of civil dispute between the applicants and the complainant, it will be appropriate to enlarge present applicant no.1 on bail.

7. So far as applicant no.2 is concerned, she happens to be the wife of applicant no.1. There is hardly any role attributed to applicant no.2. In view thereof, it will be appropriate to enlarge applicant no.2 also on bail.

8. In view of above, I pass following order :-

In the event of arrest of the applicants, in connection with C.R. No.I-52/2015, registered with Belwandi police station, Taluka Shrigonda, Dist. Ahmednagar, for offences punishable under sections 420, 504 and 506 of the Indian Penal Code, they be released on bail, on each of them

(3)

furnishing P.R. Bond of Rs.10,000/- with one surety in the like amount.

The applicants shall attend the concerned police station initially for three days, between 10.00 a.m. and 11.00 a.m. and thereafter as and when called by the Investigating Officer.

The applicants shall keep themselves away from the jurisdiction of the concerned police station, but for compliance of this order, till filing of the charge-sheet.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj