

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5979 OF 2014

KULWANTSINGH S/O JASWANTSING KHANDUJA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Joshi Rahul G.
APP for Respondents: Mr. N. B. Patil

CORAM : T.V. NALAWADE, J.

DATE : 6th January, 2015

PER COURT :

1. The application is filed for relief of anticipatory bail. Heard both the sides. It appears that notice was sent to the original complainant but nobody turned up for the complainant.

2. This court has gone through the copy of the complaint filed against the present applicant and one more person. The complaint is referred to the police for investigation by making order under Section 156(3) of Cr.P.C. It appears that the present applicant and others are member of the cooperative housing society by name Kanchannagar society of it land is purchased for giving plots to its members. There are around 900 members. There is dispute as some portion of the land belonging to the society is given to a builder by the office bearers of the society without taking permission from

the appropriate authority and in that regard dispute is pending before the appropriate authority. The complainant has made allegations that the present applicant and one Jadhav gave threats to the complainant - secretary of the society and they demanded amount of Rs.2 crore, extortion money.

3. The learned Additional Sessions Judge has already granted relief of anticipatory bail in favour of Jadhav. It appears that the application of the present applicant was decided by the another Judge of the Sessions Court and the Sessions Court court has refused relief to the present applicant. Similar allegations are against him. It appears that while granting relief to Jadhav, the Sessions Court considered the relevant record which includes the record of dispute pending before the appropriate authority i.e. Registrar of Cooperative Societies.

4. When the dispute is already started in respect of action of office bears of giving land to developers it can be said that there was ground to make false allegations against the applicant. There would be only allegations of the nature of demand of extortion money as against the applicant. The custodial interrogation will not serve any purpose in view of the nature of allegationsdemand. This court holds that this is a fit case to grant relief.

5. In case of arrest of the applicant in C. R.No. I-91/2013, registered

with Satara Police Station, District Aurangabad for the offences punishable under sections 385, 386, 504, 506 read with 34 of the Indian Penal Code, the applicant is to be released on bail on furnishing PR and SB of Rs.15000/-(Rupees fifteen thousand only). The applicant is not to tamper with the prosecution witnesses. He is not to commit similar offence. The applicant shall attend the concerned police station on every Sunday between 9 a.m. and 12 noon for one month. He shall cooperate the police during investigation.

6. Criminal application is disposed of.

(T.V. NALAWADE, J.)

JPC