

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 450 OF 2013

Shri Balaram S. Patil & Anr. ... Applicants
vs.

The State of Maharashtra & Ors. ... Respondents

Mr. Kishor Patil for the applicants.
Mr. S.H.Yadav, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 8th June, 2015.

P.C.

Heard the learned counsel for the applicants.

2. This is an application seeking cancellation of bail granted under Section 439 of Cr.P.C. to the respondents in Crime No.249 of 2012 for the offences punishable under Sections 464, 465, 468, 471, 420 read with Sec. 34 of IPC by the Addl. Sessions Judge, Thane vide order dated 31.1.2013.

3. Perused the order granting pre-arrest bail. The learned Sessions Judge has rightly observed that besides the present case, there are

four civil suits instituted in the Civil Court, Bhiwandi in 2005. The dispute between the parties is purely of a civil nature and, therefore, the respondents herein were granted pre-arrest bail. The learned Sessions Judge has rightly observed that there was no satisfactory explanation offered by the prosecution for seeking custodial interrogation of the accused.

4. The learned counsel for the applicant submits that the conduct of the investigation agency has caused serious prejudice to the complainant and in fact, it was a matter of custodial interrogation. However, taking into consideration the fact that the impugned order is dated 31.1.2013 and that after grant of pre-arrest bail, there is nothing on record to indicate that the respondents had committed breach of any conditions imposed upon them or other orders have been flouted. After a lapse of 2-1/2 years, there is no plausible reason for cancelling the pre-arrest bail which was granted by assigning sound reasons. There is no case for interference.

5. Hence, the application being sans merits, stands rejected.

(SMT.SADHANA S.JADHAV, J.)