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

CRIMINAL APPLICATION NO.2774 OF 2016

1. Prashant s/o Sakharam Chaudhary,
2. Rajesh s/o Sakharam Chaudhary,
3. Dhiraj s/o Sakharam Chaudhary ..APPLICANTS

VERSUS

The State of Maharashtra & anr. ..RESPONDENTS

Mr C.R. Deshpande, Advocate for applicants;
Mr C.V. Dharurkar, Addl. Public Prosecutor for respondents

CORAM : N.W. SAMBRE, J.

DATE : 24th June, 2016

ORAL ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicants seek their release on pre-arrest bail, in connection with C.R. No.24 of 2015, registered with Nardana police station, District Dhule, for offences punishable under sections 420, 406, 467, 468, 471, 120-B read with section 34 of the Indian Penal Code.

2. The applicants are the nephews (sons of brother) of complainant Vimalbai. The brother of Vimalbai, namely, Sakharam expired on 27th July, 2014 and the loan in question appears to have been obtained by Sakharam along with applicant no.3 Dhiraj in 2011.

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3. It is brought to my notice that there is regular repayment of the loan.
4. In the above background, in my opinion, the offence as has been claimed to have been committed by the applicants is nothing, but arising out of the civil dispute between the complainant and the applicants, in relation to immovable property, for which custodial interrogation of the applicants is not necessary. Thus, following order :-

In the event of arrest of the applicants, in connection with C.R. No.24 of 2015, registered with Nardana police station, District Dhule, for offences punishable under sections 420, 406, 467, 468, 471, 120-B read with section 34 of the Indian Penal Code, they be released on bail, on each of them furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicants shall attend the concerned police station on 7th and 8th July, 2016, between 10.00 a.m. and 12 noon and thereafter as and when called by the Investigating Officer.

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj