

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 1253 OF 2016**

Prakash Jibhai Barot & Anr.

.. Applicants

Versus

The State of Maharashtra & Anr.

.. Respondents

Mr. A.P. Mundargi, Senior Advocate i/b Mr. V.J. Bhanushali, Advocate for the Applicants.

Ms. S.S. Kaushik, A.P.P for the Respondent – State.

Mr. Akshay Menon a/w Salonee Kulkarni i/b Ameya Gokhale Advocate for Respondent No.2.

**CORAM : N.W. SAMBRE, J.**

**DATED : 17<sup>th</sup> NOVEMBER, 2016.**

**P.C. :**

1           The applicant is seeking pre-arrest bail in Crime No.269 of 2016 for the offences punishable under Sections 420, 406 r/w. Section 34 of the Indian Penal Code r/w. Section 13(1) of the MOFA Act.

2           While trying to make out case for grant of bail, the learned senior counsel urged that the complainant is an investor and there is a registered agreement in between the applicant and complainant which are reflected from page No.166 onwards. According to him, already litigation in between them is pending before this Court in relation to the property in question particularly as regards the right of the applicant to develop the said property.

3            Apart from above, the fact remains that the contents of the agreement entered into between the applicant and the complainant depicts the status of the property in which the complainant claims to have interest by virtue of an agreement for which he has parted with consideration.

4            Perusal of the entire papers reflects that prima facie the dispute between the complainant and the applicant appears to be civil in nature. The entire investigation is based on the documentary evidence and in the above referred background, in my opinion, the custodial interrogation is not warranted.

5            In view thereof, application needs to be allowed. The applicant be released on bail on executing P.R. Bond of Rs.50,000/- with one surety in the like amount. The applicant shall attend police station initially on Monday and Thursday between 10.00 a.m. to 12.00 noon for a period of four weeks and thereafter as and when called. The applicant not to tamper with the evidence or influence the witnesses.

**(N.W. SAMBRE, J.)**