

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

ANTICIPATORY BAIL APPLICATION NO. 1637 OF 2016

Mr. Saroj Shivji Sharma	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

Mr. M.K. Kocharekar i/b Mr. A.K. Mishra Advocate for the Applicant.
Ms. Rutuja Ambekar, A.P.P. for the Respondent – State.

CORAM : N.W. SAMBRE, J.

DATED : 17th NOVEMBER, 2016.

P.C. :

1 The Applicant is seeking pre-arrest bail in Crime No. 2 of 2015 for the offences punishable under Sections 420, 406, 120B, 34 of the Indian Penal Code.

2 After having heard the learned counsel for the applicant and the learned A.P.P. what could be noticed from the investigation papers is that the issue involved in the present proceeding has a colour of civil dispute as it is claimed by the complainant that though there was an agreement of purchase of an immovable property, the possession thereof was not handed over inspite of the fact that consideration was parted with.

3 In my opinion, looking to the nature of allegation and the issue sought to be canvased custodial interrogation is not necessary. In the event of arrest, the applicant be released on bail on executing P.R. Bond of Rs.25,000/- with one surety in the like amount.

4 In the meantime, the applicant shall attend the police station on 26th and 27th December 2016 between 10.00 a.m. to 12.00 noon and thereafter as and when called.

5 Though the learned A.P.P. has brought to the notice of this Court that the applicant is not attending Investigating Officer inspite of service of notice, and is not giving his specimen of handwriting, the learned counsel for the applicant upon instructions makes categorical statement that applicant shall appear before the Investigating Officer on 26th and 27th December 2016 between 10.00 a.m. to 12.00 noon and shall volunteer in giving handwriting specimen.

6 The said statement is in the form of undertaking before this Court.

7 The floating of the same shall entail the investigating officer to move for cancellation.

(N.W. SAMBRE, J.)