

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No.427 of 2015
[Chandrashekhar Shriniwas Bhumralkar & another Vs. State of Mah.]

AND
Criminal Application [ABA] No. 429 of 2015
[Rajeev S. Bhumralkar & another Vs. State of Mah.]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Cri. Appln.[ABA] No. 427/15 :

Mr. R.R. Vyas, Adv., for the applicants.
Mr. Jawade, APP for respondent.
Mr. M.A. Qureshi, Adv., for intervener

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Cri. Appln.[ABA] No. 429/15 :

Mr. D.V. Chauhan, Adv., for the applicants.
Mr. Jawade, APP for respondent.
Mr. M.A. Qureshi, Adv., for intervener

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CORAM : A.B. CHAUDHARI, J.

DATE : 03rd February, 2016

Heard.

Criminal Application Nos. 1008 and 1007 both of
2015 in both the matters, for a permission to intervene

are allowed.

Heard learned counsel for the rival parties at length, so also the learned Adv., for the complainant.

From reading of the FIR in Crime No. 145/15 registered with Police Station, Sadar, Nagpur, for the offences punishable under Section 420, 468, 471 and 386 read with Section 34 of Indian Penal Code, it appears that the grievance of the complainant is that despite the sale-deed dated 19th March, 2008 in his favour executed through the Power of Attorney Holder in respect of the property owned by the applicants, there appears to be an Agreement of Sale in 2012 in favour of two persons and further that when he had come to Nagpur, two persons had threatened him to pay Rs.5 crores to Mr. Jafar Lorry. But then, for the present, there is no assertion or material from the investigation that the present applicants have engaged the two unidentified persons for the said purpose.

In so far as the aspect of cheating is concerned, even if there is a substance in what the complainant contends, admittedly, a civil dispute is pending in the Civil Court. In that view of the matter, in my opinion, at least, for the present till the Investigating Officer is in need of applicants for interrogation or thereafter any custody, save the above, the order of anticipatory bail can be granted in favour of the applicants. Rule is,

therefore, made absolute in terms of the Orders dated 21st August, 2015 passed in both these applications. Liberty is granted in favour of the prosecution to apply for modification of this order in case of any eventuality.

Judge

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