

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

CRIMINAL APPLICATION NO. 3291 OF 2017

1. Hansabai @ Hausabai wd/o Bhaurao ... **Applicant**
Khandagale, Age 70 years,
Occu:Nil,R/o Sanjay B. Khandagale
Above Indane Gas Agency,
At Post Kamarli, Pen-Khopoli Road
Pen, Dist. Raigad

VERSUS

The State of Maharashtra ... **Respondent**
Through Osmanpura Police Station
Aurangabad

Mr. Rohit Sarvadnya, Narendra V. Mande, , Advocate for
the applicant
Mr. A. R. Borulkar, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 28th July, 2017

ORDER:

1. Heard Mr. Sarvadnya, learned counsel for the
applicant and Mr. Borulkar, learned APP for the State.

2. Present Criminal Application is filed under
section 438 of the Code of Criminal Procedure for grant
of anticipatory bail in connection with Crime No.I-
97/2017, registered with Osmanpura Police Station,
Aurangabad for the offences punishable under section
420 read with section 34 of the Indian Penal Code.

3. One Urmila Ashok Shahane lodged complaint
against the applicant and her son namely Jay Bhaurao

Khandagale, wherein, she alleged that she has purchased a Flat from these two persons in Yash Pruthvi Apartment, New Osmanpura, Aurangabad. The informant paid an amount of Rs.10,11,000/- as an earnest money but the applicant, her son have not given possession of the Flat and they have cancelled the agreement. On the basis of information given by the informant, offence as referred above came to be registered against the applicant and her son.

4. Perused the first information report. On perusal of the same, it appears that actual transactions or business were looked by the son of the applicant namely Jay Bhaurao Khandagale. All these transactions were between the son of the applicant and the informant. Furthermore, the dispute between the parties appears to be of a civil nature.

5. In view of the above circumstance, I am of the opinion that custodial interrogation of the applicant is not needed and therefore, the applicant can be protected from her arrest. Hence following order:

O R D E R

- i. Criminal application is allowed.

- ii. In the event of arrest of the applicant in connection with Crime No.I-97/2017, registered with Osmanpura Police Station, Aurangabad, she shall be released on bail on her executing P.R. Bond of Rs. 10,000/- [Rs. Ten thousand only], with one solvent surety in the like amount.
- iii. The applicant shall cooperate with the investigation and shall remain present in the concerned police station as and when called by the Investigating officer for the investigation purpose.

(K. L. WADANE, J.)

JPC