

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.788 OF 2017**

Sagar @ Gokul Kailas Palande	...Applicant
Versus	
The State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO.790 OF 2017**

Sanjog Rohidas More	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. V. B. Koshe a/w Mr. Sachin H. Deokar for the Applicants

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

PN Mr. A. R. Chamanshaikh from Ranjangaon MIDC Police Station, Pune (Rural) is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 14th JUNE, 2017

P.C.

1. Heard learned Counsel for the parties.

2. By these applications, the applicants seek pre-arrest bail in connection with C.R. No. 42 of 2017 registered with the Ranjangaon Police Station, Pune, for the alleged offences punishable under Sections 395, 109, 120B, 427, 504, 506, 323, 341 of the Indian Penal Code.

3. Learned Counsel for the applicants submits that the complainant has made false allegations as against the applicants. He submitted that a Development Agreement was entered into between the applicant-Sanjog Rohidas More's mother and one Abhijeet Ghule (co-accused), 4 years prior to the date of the incident. He submitted that the complainant's husband-Gangeshwar Sonawane, an employee of Abhijeet Ghule, had entered into an Leave and Licence Agreement dated 2nd March, 2017 with one Sheila Sonawane, mother-in-law of the complainant and the mother of Gangeshwar Sonawane. The said Leave and Licence Agreement is on page 37 of the application. He submitted that the flat which is alleged to have been demolished was a sample flat and that the same was never in possession of the complainant or her husband-Gangeshwar.

4. Learned A.P.P states that in view of the allegations made by the complainant as against the Investigating Officer-PSI Bhosale, the investigation was transferred to PSI Patil in March, 2017. She submits that the complainant, despite repeated requests, did not produce any document to show his right, title, interest in the said property. She further submits that a legal notice has been sent by the complainant's husband to the

builder-Abhijeet Ghule (original accused No.1) stating therein that there was an oral agreement between him and the present applicants. She states that the custody of the applicants is not required.

5. It appears that there is a dispute with regard to the said flat between the parties. As far as the right, title, interest in the flat is concerned, that is a matter which will be decided by the competent Court. The applicants have reported to the Investigating Officer as directed by this Court. In the facts of the present case, the custodial interrogation of the applicants is not required. Considering the aforesaid, the applications are allowed and the applicants are granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station as and when called;

(iii) The applicants shall not tamper with the evidence or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicant to cooperate with the conduct of the trial.

6. The applications are allowed in the aforesaid terms and are accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding these applications.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.