

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 562 OF 2017
Abhaykumar Premraj Bora ..Appellant.
Versus
State of Maharashtra & Another. ..Respondents.

with
CRIMINAL APPEAL No. 561 OF 2017
Shivprasad Shrirang Laddha. ..Appellant.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. Pawan Mali for the Appellant.
Mr. A. R. Kapadnis, APP for the State.
Mr. Jaydeep Deo for Respondent No. 2.

Coram : Ranjit More &
Smt. S. S. Jadhav, JJ.
Date : **September 26, 2017.**

P. C. :

1. Heard Mr. Mali, learned Counsel for the Appellant, Mr. Deo, learned Counsel for Respondent No. 2 and Mr. Kapadnis, learned APP for the State.

2. The Appellants are the accused in CR. No.71 of 2017 registered with Faraskhana Police Station, Pune for the offence punishable under sections 406, 420, 442, 448, 323, 107 and 34 of the Indian Penal Code, 1860 and section 3(1)(10) of the SC and ST (Prevention of Atrocities) Act, 1989. The Appellants preferred applications for grant of anticipatory bail before the learned Special

Court, which applications came to be rejected by the common order and therefore Appellants have preferred present appeals.

3. The said FIR is registered pursuant to the order made by learned Magistrate under section 156(3) of the Code of Criminal Procedure, 1973. We have gone through the complaint filed by Respondent No. 2. The complaint discloses that the Appellant in Criminal Appeal No. 562 of 2017 agreed to sell to the Complainant and one Shanti Ayyar a flat for the consideration of Rs. 31 lakh and the Complainant and said Shanti Ayyar paid to the accused an amount of Rs.14,50,000/-. It appears that the transaction could not get through in view of the dispute between the parties and ultimately the Complainant was constrained to file civil suit for specific performance of the said agreement. The said suit is still pending. Though there are allegations against the Appellants concerning the offence punishable under Atrocities Act, *prima facie* we are of the view that the dispute between the parties is of civil nature. In the result we are inclined to grant anticipatory bail.

4. Hence following order is passed.

ORDER

- (i) The Appeals are allowed.
- (ii) The impugned order dated 25th April 2017

passed by the Additional Sessions Judge, Pune is hereby quashed and set aside.

(iii) In the event of arrest of the appellants in Crime No.71 of 2017 registered with Faraskhana Police Station, Pune, the Appellants shall be enlarged on bail on executing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(iv) The appellants shall cooperate with the investigating agency and report to the Investigating Officer as and when called.

(v) The appellants shall not tamper with the evidence.

5 The Appeals are disposed of accordingly.

[Smt. S. S. JADHAV, J.]

[RANJIT MORE, J.]