

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (ABA) NO. 395 OF 2017

(YOGESH PRABHAKAR PANJABI....VS.. STATE OF MAH.THR.P.S.O. WANI, DIST. YAVATMAL)
 WITH

CRI. APPLICATION (ABA) NO. 396 OF 2017

(SAU. RACHANA YOGESH PANJABI....VS.. STATE OF MAH.THR.P.S.O. WANI, DIST. YAVATMAL)

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

Court's or Judge's orders

 Shri P.D.Randive, Advocate for Applicants.
 Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 01, 2017.

The applicants in these two applications (wife and husband) seek pre-arrest bail apprehending arrest in connection with Crime No.458 of 2017 registered against them for the offence punishable under Sections 420, 464, 468, 471 and 34 of the Indian Penal Code.

According to the Investigating Agency, the applicants undertook construction of a residential flat scheme, completed the work and though substantial amount payable to the society was not paid, fabricating "No Objection Certificate" purported to be issued by the society, executed sale-deed of flats in favour of the customers. It is alleged that a Flat , though mortgaged with Bank of Baroda in lieu of loan of Rs.20,00,000/- is sold to some customers.

The learned advocate for the applicants in these two applications have submitted that the amount of Rs.30,00,000/- which was payable to the society is paid to the

society and the amount of Rs.20,00,000/- payable to Bank of Baroda is deposited with the Bank. It is submitted that the dispute is of civil nature and in any case, it cannot be said that custody of the applicants is required for investigation.

By the order passed on 12th June, 2017 in both these applications, this Court has granted interim protection to the applicants. The Investigating Agency has not complained that the applicants have misused the liberty.

The applicant in Criminal Application (ABA) No. 395 of 2017, aged about 45 years, claims to be Builder and Developer and applicant in Criminal Application (ABA) No. 396 of 2017, a woman aged about 45 years, claims to be Builder and Developer. Except for the crimes registered against the applicants alleging cheating in respect of the sale of flats of the building in question no other crime is registered against the applicants.

In the facts of the case, the order passed by this Court on 12th June, 2017, in these two applications, granting protection to the applicants is confirmed.

The applications are allowed accordingly.

JUDGE