IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 758 of 2017
[Sanjay Yograj Bahekar Vs. State of Mah., Salekasa PS, Distt. Gondia]

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

Mr. S. G. Karmarkar, Adv., for the applicants.
Mr. J. Y. Ghurde, APP for non-applicant.

CORAM : A.S. CHANDURKAR, J.

DATE : 03rd November, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.229/2017 registered at Salekasa Police Station, Distt. Gondia, for the offences punishable under Sections 420, 465, 468 and 471 of Indian Penal Code.

As per the report dated 28th September, 2017, the informant made a grievance that the applicant herein had filed a suit for specific performance of agreement dated 6th December, 2015. When the copy of said agreement was perused, it was noticed that the signatures of the parties who had agreed to sell the property in question were fabricated. Hence, a report to that effect came to be lodged.

It is submitted on behalf of the applicant that after the agreement dated 6th December, 2015 was

entered into a legal notice came to be issued on 11th April, 2017 seeking specific performance. This notice was duly served on the other side. Thereafter, Regular Civil Suit No. 17 of 2017 has been filed for specific performance. It is submitted that in these facts, there is no reason to direct custodial interrogation of the applicant. On the other hand, if the original agreement is directed to be produced, the applicant is willing to produce the same before Investigating Officer.

The application is opposed by the learned Addl. Public Prosecutor by filing reply. It is submitted that statements of witnesses to that agreement indicate that they had signed the same under the influence of liquor. Considering seriousness of the offence, the applicant should not be granted protection. The original agreement is still in the custody of the applicant.

Perused the report as well as police papers.

The agreement in question is dated 6th December, 2015 which was followed by a legal notice as well as civil suit filed by the applicant. Though this legal notice was served on the informant in May, 2015, no steps were immediately taken. In so far as original agreement is concerned, the applicant can be directed to produce the same before Investigating Officer by directing him to co-operate with the investigation.

Accordingly, in the event of applicant's arrest in

connection with Crime No. 229/2017 registered at Salekasa Police Station, Distt. Gondia, for the offences punishable under Sections 420, 465, 468 and 471 of Indian Penal Code, he shall be released on bail on furnishing a Personal Bond of Rs. 20,000-00 [rupees twenty thousand only] and one surety in the like amount. The applicant shall attend the concerned Police Station on 13th November, 2017 between 11.00 a.m. and 1.00 p.m. He shall hand over the original agreement of sale dated 6th December, 2015 to the Investigating Officer. He shall co-operate with the investigation and no steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding the pre-arrest bail application which is allowed and disposed of.

Judge

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