

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION No. 2211 of 2018**

Suresh Namdev Giri

....Applicant.

Vs.

The State of Maharashtra

....Respondent.

Mr. Ashish Sawant, Adv. for the Applicant.

Mr. Amit Palkar, APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 17th December, 2018.****P.C.:-**

1 By a reasoned Order dated 25th October, 2018, the applicant was granted interim relief and was directed to attend the concerned Investigating Officer for a period of four days, to join the process of investigation.

2 Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3 The record indicates that there is a civil suit pending between the applicant and his real brother Pradeep Giri pertaining to the landed property. The husband of first informant namely Pradeep Giri i.e. brother of applicant has instituted a civil suit in the Court of Civil Judge, Junior Division, Barshi, at Barshi bearing RCS No. 128/2018. The said suit is pending for final adjudication. In this

background, the present crime has been registered against the applicant. It appears from the record that the informant herein had earlier lodged a similar type of offence against the applicant, wherein he was granted pre-arrest bail. A perusal of record would prima facie indicate that, the present crime is registered due to the civil litigation between two brothers and nothing else. The allegations made in the present crime prima facie appears to be not genuine.

4 In view of the above, interim bail granted by Order dated 25th October, 2018 is hereby confirmed. However, the condition to attend the concerned Investigating Officer/concerned Police Station is waived.

Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)