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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.297 OF 2018

Kashmira Parvwz Driver ..Applicant.

V/s.

State of Maharashtra & Anr. ..Respondents.

Mr.C.K.Pendse I/b. Sangram S. Latonkar for the applicant.

Mr.S.R. Agarkar, APP for the respondent-State.

Ms.Bacarrio for the intervenor.

Mr.Kishore Doijodd, API present.

CORAM: NITIN W.SAMBRE, J.

DATE : NOVEMBER 24, 2018

P.C.:-

Heard learned counsel for the respective parties.

2. In Crime No.12/2018 for offence punishable under sections 420, 465, 467, 468, 471 of the Indian Penal Code registered with Vile Parle police station, the applicant is apprehending arrest.

3. It is not in dispute that the complaint is based on stale instances. A civil suit initiated by the applicant in regard to

declaration of title in regard to same property is pending before this Court.

4. In the aforesaid backdrop, in my opinion, what could be *prima facie* noticed is the nature of the differences / dispute between the parties is civil in nature. That being so, custodial interrogation of the applicant is not warranted.

5. As such the following order :-

- (i) In the event of his arrest in Crime No.12/2018 for offence punishable under sections 420, 465, 467, 468, 471 of the Indian Penal Code registered with Vile Parle police station, Mumbai the applicant shall be released on his furnishing P.R. Bond of Rs.25,000/- with two sureties in the like amount;
- (ii) The applicant shall initially attended the investigating officer on 3rd and 10th of December, 2018 between 10.00 a.m. to 12.00 noon and thereafter, as and when called;
- (iii) The applicant shall not influence the witnesses or tamper with the prosecution evidence;
- (iv) The application stands allowed in above terms.

(NITIN W.SAMBRE, J.)