

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 1267 OF 2017**

Sau. Lata Ramchandra Parge & Ors.Applicants.
Vs.
The State of Maharashtra & Anr.Respondents.

WITH**ANTICIPATORY BAIL APPLICATION NO. 1268 OF 2017**

Ramchandra Shripati Parge & Ors.Applicants.
Vs.
The State of Maharashtra & Anr.Respondents.

Mr. Kuldeep Nikam a/w Mr. Chetan Nagare for the Applicant.
Ms. Rutuja Ambekar APP, for the Respondent-State.
Mr. Rajesh More for the Respondent No. 2.

CORAM : A. S. GADKARI, J.

DATE : 24th NOVEMBER, 2018.

P.C.:-

The Applicants in ABA No. 1267 of 2017 were granted interim relief by Order dated 20th July, 2017 and the Applicants in ABA No. 1268 of 2017, were granted interim relief by an Order dated 24th July, 2017.

2 Heard Mr. Nikam, the learned counsel appearing for the Applicants, Mr. More, the learned counsel for the first informant and the learned APP. Perused the record.

3 The Applicants in ABA No. 1268 of 2017 were granted interim relief on the basis of statement made by them that, they will deposit a sum of Rs.19,89,000/- in the Registry of this Court without prejudice to their rights and contentions. The said amount is alleged to have been received by Shri. Waman Ramchandra Parge, Applicant No. 3 in ABA No. 1268 of 2017 from M/s. DSK Builders, Pune towards the sale of immovable property.

 The record indicates that, the Applicants in ABA No. 1267 of 2017 are the wives of the Applicants in ABA No. 1268 of 2017. The first informant Smt. Lila Kalbhor is the real sister of Ramchandra and Laxman i.e. the Applicant Nos. 1 and 2 in ABA No. 1268 of 2017.

4 It is the prosecution case that, the Applicants in ABA No. 1268 of 2017, under the pretext of executing a mortgage deed of the ancestral landed property situated at Kondhwa, in fact executed deed of relinquishment/release deed, thereby the informant Smt. Lila Kalbhor relinquished all her rights in the said ancestral immovable property, which was initially owned by her father Shripati Parge. The document in question is registered on 12th October, 2011 with the Sub-Registrar of Assurance Haveli-II, (Bibvewadi), Pune. The record further indicates that, the first informant thereafter instituted a

Special Civil Suit No. 1070 of 2016 in the Court of Civil Judge, Senior Division, at Pune for partition and separate possession of the property, more particularly mentioned in the schedule of the said Suit and which is also the property involved in the present crime.

5 Mr. Nikam, the learned counsel appearing for the Applicants, on instructions, made a categorical statement before this Court that, the concerned Civil Court has refused to grant interim relief in favour of the first informant Smt. Lila Kalbhor, filed in her Application below Exhibit 5. It appears that, the present crime is registered thereafter on 6th May, 2017. The fact of institution of the said Civil Suit is conspicuously silent in the first information report.

It is the further allegation against the Applicants that, the Applicant No.3 Waman Parge in connivance with the other accused persons, opened a bank account with Sadhana Co-operative Bank Limited, Hadapsar, Pune jointly with the first informant Smt. Lila Kalbhor and an amount of Rs.19,89,000/- was deposited by the purchaser of the said immovable property in the said account, which was subsequently withdrawn by the said Applicant Mr. Waman Parge. As noted earlier, in pursuance of Order dated 24th July, 2017, the Applicants have deposited the said alleged defalcated sum of

Rs.19,89,000/- in the Registry of this Court.

6 The record further indicates that, the documents mentioned hereinabove and other related documents are already seized by the police. Even otherwise, those are the public documents and the Investigating Agency can seize them by following the appropriate provisions of law.

7 After taking into consideration the aforestated facts, and the relations *inter-se* between the parties, this Court is of the considered view that, the custodial interrogation of the Applicants for further investigation of the present crime is not necessary.

8 In view of the above, interim relief granted by Orders dated 20th July, 2017 in ABA No. 1267 of 2017 and 24th July, 2017 in ABA No. 1268 of 2017 is hereby confirmed.

 However, the condition to report the Investigating Officer of the concerned police station, is waived.

9 Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)