

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2228 OF 2018

Rohit Baliram Chandole

...Applicant

V/s.

The State of Maharashtra

...Respondent

* * * * *

Mr. Aniket Nikam I/by. Mr. Piyush R. Toshnival, Advocate
for the applicant.

Mr. H.J. Dedhia, APP for the respondent-State.

Coram : Sandeep K. Shinde, J.

Wednesday, 19th December, 2018.

P.C. :

1. The applicant was apprehending arrest in Crime No. I-476 of 2018 dated 1st September, 2018 registered with Bhadrakali Police Station, Nashik for the offences punishable under Sections 392 and 341 of the Indian Penal Code.

2. Heard learned Counsel for the applicant and learned APP for the State.

3. Perused the complaint. On 26th October, 2018 ad-interim was granted to the applicant on certain terms and

conditions.

4. The applicant herein has filed a suit for specific performance against the complainant seeking performance of registered agreement of sale dated 224th January, 2018. IT is the applicant's case that the complainant herein, intended to mortgage a part of the property which he had agreed to sell to the applicant. It is so evident from the public notice issued by the Nashik Zilla Mahila Vikas Sahakari Bank on 25th August, 2018 calling upon the public at large to lodge their objections, if any, before executing the mortgage deed in respect of the land which the complainant had agreed to sell to the applicant herein. Obviously, this public notice was issued at the instance of the complainant in this case. The applicant thereupon lodged his objections, in response to the said public notice on 31st August, 2018.

5. It is on the backdrop of the aforesaid facts which are not in dispute, the complainant has filed a complaint on 1st September, 2018. I have gone through the complaint. The allegations in the complaint cannot be read into isolation by overlooking admitted facts stated hereinabove.

In my view, a case is made out by the applicant for granting this application. Hence, the following order :

- (i) *The application is allowed.*
- (ii) *In the event of arrest of the applicant in Crime No. I-476 of 2018 registered with the Bhadrakali Police Station, he is directed to be released on bail on his executing P.R. Bond of Rs.50,000/- with one or more sureties in the like amount.*
- (iii) *The applicant is directed to attend Bhadrakali Police Station on 25th, 27th and 29th December, 2018 between 4.00 p.m. to 6.00 p.m and thereafter as and when called by the Investigating Officer.*
- (iv) *The application is disposed off.*

(SANDEEP K. SHINDE, J)