

Sarnobat

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.2094 OF 2017

Sou.Rajani Raju Jedhe	.. Applicant.
Vs.	
The State of Maharashtra	.. Respondent.

Mr.Shantanu R. Phanse for the Applicant.
Mr.S.H.Yadav, APP for the Respondent.
Mr.Kishor Dhumal, P.I. Shahapuri Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 26TH MARCH, 2018.

P. C. :

1. Heard learned counsel for applicant and learned APP. It is submitted on behalf of applicant that applicant is protected by interim orders of this Court dated 30th November, 2017 and to prove his bona fides, applicant had deposited amount of Rs.12,73,000/- with the Registry of this Court in two installments. Applicant was accordingly, granted interim protection.

2. Learned counsel for applicant submitted that in fact, three months prior to alleged report against the applicant, applicant had lodged the report against the complainant and therefore, lodging of report against the applicant is its out come. Learned counsel for

applicant has thereafter placed on record a copy of order of Co-operative Registrar in legal dispute raised by Balaji Nagari Sahakari Pat Sanstha Ltd. Satara of which complainant is Manager and had pointed out that the said dispute was allowed to be withdrawn which permission was granted by Assistant Registrar finding that, the issue involved is Civil in nature and can be decided only on taking recourse available under law as issue involved makes question of facts and laws.

3. Referring to these documents, it is therefore contended that, custodial interrogation of applicant is not necessary and as the investigation is all most complete, application is prayed to be allowed.

4. Learned APP opposed the application on the ground that applicant's custodial interrogation is necessary as crime is based on documents, though had admitted that investigation is otherwise complete.

5. It appears that report came to be lodged against applicant by the Manager of Balaji Nagari Sahakari Pat Sanstha Ltd. Satara that in the year 2003 applicant had obtained loan of Rs.5,00,000/- for purchasing flat for which she had mortgaged her immovable property

by a registered Mortgaged Deed. However, without paying loan amount, said property was found transferred/sold to one Krishna Maruti Chavan by registered Sale Deed on 7th September, 2012. Considering the nature of allegations made in the report and since, investigation is complete, application is liable to be allowed by imposing suitable condition directing the applicant to attend the Investigating Officer till filing of charge-sheet as per order below;

ORDER

- (i) Interim order in force granted by the order dated 30th November, 2017 stands confirmed.
- (ii) Applicant shall however, attend Investigating Officer as and when called till filing of charge-sheet.
- (iii) The amount of Rs.12,73,000/- deposited with the Registry of this Court be returned back to the applicant on applicant's giving an undertaking on record that, in the event if any recourse is adopted by complainant Suresh Narayan Padiyar, Manager or other competent authority of Balaji Nagari Sahakari Pat Sanstha Ltd. Satara for recovery of loan amount as alleged in the report, applicant shall deposit amount, whatsoever may be directed by the Court wherein, such proceedings are filed.

- (iv) Needless to say that such amount shall be deposited only if order to that effect is passed by the Court concern.
- (v) Application is disposed of in above terms.

[P. N. DESHMUKH , J.]