

ANTIICIPATORY BAIL APPLICATION NO. 2208 OF 2017

Versus

Mr. Sachin P. Nimbalkar, Lashkar Police Station, Pune.

P.C.:

2 On 31/1/2018 the complainant was present in the court and
had sought time to engage an advocate to oppose grant of pre-arrest

bail in favour of the applicants. This Court was prima facie of the opinion that it is a civil dispute and could be settled between the parties and therefore, the Court had granted time. Today, none appears for the complainant.

3 Learned Counsel for the applicants upon instructions submits that in fact, the applicants would hand over the flat subject to the condition that he pays stamp duty, GST and further requisite fees. In many cases, the complainant has sent notice to the complainant dated 12/10/2017 and it was stated that the complainant had approached the police station complaining therein that the applicant is insisting upon him to take possession of the said flat. It is the case of the applicant that the complainant was insisting upon retaining possession of the said flat without paying requisite fees.

4 Taking into consideration the papers of investigation, this Court is of the opinion that the applicant deserves to be granted pre-arrest bail. However, it is made clear that the observations are restricted to

an application under section 438 of the Code of Criminal Procedure, 1973 and the same shall not be taken into consideration for quashing of FIR, discharge application or at the time of trial.

5 Hence, following order is passed:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in Crime No. 243 of 2017 registered at Lashkar Police Station, Pune, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more solvent sureties in the like amount.
- (iii) The applicant shall report to the police station as and when called and cooperate with investigating agency.

6 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)