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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.20 OF 2019

1. Nandkumar Kisan Gote,
 2. Sachin Nandkumar Gote,
 3. Prakash Kisan Gote,
 4. Anil Babab Gote
- ..Applicants.

V/s.

The State of Maharashtra

..Respondent.

Mr.Kuldeep Patil I/b. Prashant S.Hagare for the applicants.

Mr. A.A.Palkar, APP for the respondent-State.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 7, 2019

P.C.:-

Heard learned counsel for the applicants and learned
APP for the State.

2. In crime No.932/2018 for offences punishable under
section 420, 406 read with 34 of the Indian Penal registered with
Loni-Kalbhor police station, Taluka Haveli, District Pune, the
applicants are apprehending their arrest.

3. The applicants are placing reliance upon the agreement dated December 2, 2017 entered into between the complainant and also the other related documents so as to point out that the case in hand is arising out of an contractual obligation.

4. Learned APP opposed the claim on the ground that the motive can be inferred having regard to the admitted contents of the said agreement.

5. Considered the rival submissions.

6. The case is based on an agreement of sale and understanding entered into between the parties. The aggrieved persons have appropriate remedy before the Civil Court.

7. In the aforesaid backdrop, since the entire case is based on documentary evidence, in my opinion, the custodial interrogation of the applicants is not required. Hence the order :-

(i) In the event of the arrest of the applicants in crime No.932/2018 for offences punishable under section 420, 406 read with 34 of the Indian Penal registered with Loni-

Kalbhor police station, Taluka Haveli, District Pune, they be released on bail on their executing P.R. bonds of Rs.25,0000/ each with two sureties in the like amount;

- (ii) The applicants shall attend the investigating officer on 21st, 22nd and 25th January, 2019 between 10.00 a.m. and 12.00 noon and thereafter as and when directed;
- (iii) The applicants shall not influence the witnesses or tamper the prosecution evidence;
- (iv) The application is disposed of accordingly.

(NITIN W. SAMBRE, J.)