

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

ANTICIPATORY BAIL APPLICATION NO. 231 OF 2019

Sunil Kantilal Dhoka & Anr. ... Applicants

Versus

State of Maharashtra ... Respondent

Mr. Niranjan Mundargi a/w Abhay Dhadiwal I/by Jayakar & Partners for Applicants.

Mr. N. B. Patil, APP for Respondent – State.

Mr. A. R. Dhumse, Ghoti Police Station, Nashik Rural present in Court.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 25, 2019.

P.C. :

. In Crime No. 176 of 2018 for an offence punishable under Sections 420, 463 read with Section 34 of the Indian Penal Code the Applicants are seeking pre-arrest bail.

2. Apart from the registered Sale Deed in favour of the Applicants and pendency of the civil proceedings, the offence lodged is based on a Deed in which it is claimed that the NOC for conversion was found to be bogus. There is no explanation as to why the complaint is lodged after delay of more than eight years. Apart from the fact that

parties are litigating before the Civil Court, considering the provisions of Maharashtra Land Revenue Code which permits the conversion of land for non-agricultural purpose (Industrial purpose), in my opinion, a case for grant of pre-arrest bail is made out. Hence the following order.

ORDER

- (A) In the event of arrest in Crime No. 176 of 2018 for an offence punishable under Sections 420, 463 read with Section 34 of the Indian Penal Code, both the Applicants be released on executing PR Bond of Rs.25,000/- with one surety each in the like amount.
- (B) Both the Applicants shall attend the Investigating Officer on 4th, 6th, 8th and 12th February 2019 and thereafter as and when directed by the Investigating Officer.
- (C) Both the Applicants shall co-operate with the investigation.
- (D) Both the Applicants shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.

3. Anticipatory Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)