

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1658 OF 2017

Dineshkumar Madanlal Sharma	...	Applicant
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.Sandeep Mishra a/w. Mr.Prakash Mishra for Applicant.
Mr.Ajay Patil, A.P.P. for Respondent-State.

CORAM : A.S. GADKARI, J.

DATE : 23rd April 2019.

P.C. :

- 1] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.
- 2] By an order dated 27th September 2017 the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates, to join the process of investigation.
- 3] The learned counsel for the applicant today tendered across the bar a compilation of the documents. The same is taken on record.

In the said compilation, a copy of plaint of Special Civil Suit No.300 of 2019 filed in the Court of Civil Judge Senior Division, Thane, is annexed. By the said suit, the applicant has sought for declaration and decree that, the agreement for sale dated 12/08/2016 registered with the competent authority between the applicant herein and the defendant No.3 therein i.e. Mr.Manoj Jadhav is sought. The said suit is subjudiced. The first informant Mr.Jamnalal Thakkar is defendant No.2 in the said suit.

The allegations against the applicant in the present crime is that though he sold the suit property to Mr.Jamlalal Thakkar by way of a registered agreement, he subsequently sold the said suit property to Mr.Manoj Jadhav by a separate deed of sale. The record further indicates that during the pendency of the present application, the applicant has already terminated the said agreement for sale dated 12/08/2016 with the said Mr.Manoj Jadhav by addressing a notice dated 13/02/2018. It appears that, the said Mr.Manoj Jadhav is not residing at the address mentioned in the agreement and he has not responded to the said notice.

4] In view of the above, the custodial interrogation of the applicant for further investigation of the present crime is not necessary.

Interim relief granted by order dated 27th September 2017 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

5] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]