

17.12.2020

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

ANTICIPATORY BAIL APPLICATION NO. 972 OF 2020

Rohit Bapu Tare

....Applicant
(Orig. Accused)

V/s.

The State of Maharashtra

....Respondent

* * * *

Mr. Rohan P. Surve, Advocate for the applicant.

Mrs. Prajakta Shinde, APP for State.

CORAM : SANDEEP K. SHINDE, J.

Thursday, 17th December, 2020.

P.C.:

1. Heard learned Counsel for the applicant and
learned APP for State.

2. Apprehending arrest in connection with
Crime No. 167/2020 registered with Wada Police
Station, District-Palghar for the offence punishable

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under Section 420 of the Indian Penal Code, applicant is seeking pre-arrest bail.

3. Applicant's father, Bapu Hari Tare had agreed to sell land bearing Survey No.143 to complainant on certain terms and conditions vide Agreement dt. 4.3.16. Bapu Hari Tare died on 16.12.2016. Applicant is son of Bapu Tare. Legal heirs of Bapu Tare sold the land, executing registered sale-deed dated 21.11.2019 to Sachin Mhatre and others. Soon thereafter, the complainant has filed Special Civil Suit No. 221/2019 against the legal representatives of Bapu Tare for specific performance of contract dated 4.03.2016. Applicant is one of the defendants in the said suit. The subject FIR came to be registered on 16.7.2020. Thus, the complainant has taken up legal remedy to protect his enforceable rights.

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3. In consideration of the facts of the case, in my view, custodial interrogation of the applicant is not required. However, the investigation can progress by securing applicant's presence by imposing suitable conditions. Hence, the following order :

ORDER

(i) In the event of arrest of the applicant in Crime No. I-167/2020 registered with Wada Police Station, District-Palghar, he shall be released on bail on executing PR bond for the sum of Rs.20,000/- (Rs. Twenty Thousand only) with one or more sureties in the like sum.

(ii) The applicant shall report to the Investigating Officer as and when called.

(iii) The applicant shall furnish particulars of his permanent residential address and contact

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details to the Investigating Officer within a week.

(iii) The applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

4. The application is accordingly allowed and disposed of.

5. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.