

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

CRIMINAL APPLICATION NO. 38 OF 2015

Manohar Damodar Tank	 Applicant
v/s.	
Renukaben Balwant Maru and ors.	 Respondents

Mr. Pradeep Kumawat i/b. Mr. PR. Dave for the Applicant.
Mr. PH. Gaikwad, APP for the State.
Mr. Rupesh R. Lanjekar for Respondent No.1 & 2.
Mr. Kadam, PSI, Bandra Police Station.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 12th OCTOBER, 2021.

P. C. :-

. This is an Application under Section 439(2) of Cr.P.C. for cancellation of pre-arrest bail granted to the Respondent Nos.1 and 2 vide order dated 11/12/2014 passed by the Additional Sessions Judge, Greater Bombay in Anticipatory Bail Application No.1393/2014.

2. The Applicant had lodged the first information report alleging that the Respondent Nos.1 and 2 with some unknown persons had entered his house under the pretext of settling the property dispute. It is alleged that the said unknown persons pointed out a revolver at the complainant and demanded an amount of Rs.21 crores failing which he

threatened to cause his death. Pursuant to the said FIR lodged by the Applicant, M.E.C.R.No.3/2014 was registered at Bandra Police Station for offences under section 383, 384, 503, 506 of the Indian Penal Code. Apprehending their arrest in the said crime, the Respondents filed an Application for pre-arrest bail which has been granted by order dated 11/12/2014 in Anticipatory Bail Application No.1393 of 2014 which is sought to be cancelled by the Applicant under Section 439(2) of Cr.P.C.

3. Heard Mr. Pradeep Kumawat, learned counsel for the Applicant, Mr. P.H. Gaikwad, learned APP for the State and Mr. Rupesh Lanjekar, learned counsel for Respondent Nos.1 and 2. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

4. The Applicant is the brother/brother-in-law of Respondent No.1 & Respondent No.2. The records prima facie reveal that there is a civil dispute between the Applicant and the Respondent Nos.1 and 2 in respect of the ancestral property. Civil Suit No.422 of 2012 is pending before the Court and order has been passed in Notice of Motion No.476/2012 and the complainant has been directed to give complete disclosure of the receipt of the money received by him and that the

directions have not been complied. Learned Judge has observed that there is enmity between the parties. There is also considerable delay in filing the complaint. The learned Judge therefore held that this is not a case for custodial interrogation. In my considered view, the order is not perverse and does not suffer from material irregularities. Learned APP states that the charge sheet has already been filed and that the Respondents have been released on regular bail. No case is made out for cancellation of pre-arrest bail. Hence, the Application is dismissed.

**PREETI H
JAYANI**

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PREETI H JAYANI
Date: 2021.10.14
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(SMT. ANUJA PRABHUDESSAI, J.)