

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

CRIMINAL APPLICATION NO. 213 OF 2016

Bindadevi Brijnandan Sharma ... Applicant

Versus

The State of Maharashtra & Ors. ... Respondents

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None for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. A. D. Pawar (H.C.) Shrinagar Police Station, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 17th AUGUST, 2021.

PER COURT:

1. This is an application for cancellation of anticipatory bail granted to respondent Nos. 2 & 3 vide order dated 15th March, 2016.

2. The First Information Report (for short ‘FIR’) was registered with Shrinagar police station, Dist. Thane vide C.R. No. I-242 of 2015 for offences punishable under Sections 420, 452, 465, 467, 471, 472, 504 & 506 of Indian Penal Code (for short “IPC”).

3. The complainant had filed the private complaint before

the Court of learned Magistrate and directions were sought for investigation under Section 156(3) of Cr.P.C. Learned Magistrate passed an order that the case be put up for verification. The complainant challenged the said order before the Sessions Court by preferring revision application which was allowed and the order passed by the learned Magistrate was set aside. However, the learned Magistrate had dismissed the complaint. The complainant then filed an application for investigation and thereafter, in accordance with Section 156(3) of Cr.P.C. the concerned Police Station was directed to conduct the investigation.

4. The respondent Nos. 2 & 3 had preferred an application for anticipatory bail before the Court of Sessions, at Thane. The said application was allowed vide order dated 15th March, 2016.

5. Learned APP on instructions submitted that pursuant to completion of investigation, charge-sheet was filed. Thereafter, charges were framed and the case is due for recording of evidence on 14th September, 2021.

6. Even otherwise, the impugned order dated 15th March, 2016, assigned reasons for allowing the application of anticipatory bail. The learned Judge has considered the fact that civil suit was

filed by the accused which was pending before the competent Court. The accused had placed on record the documents relating to sale with regards to the room and the sale deed dated 1st September, 2007 executed by the parties. It was observed that, considering the nature of offence, presence of the accused can be secured and that the custodial interrogation was not necessary.

7. In the light of the aforesaid factual aspects and the facts pointed out by learned APP, there is no reason to set aside the impugned order.

ORDER

Criminal Application No. 213 of 2016 is rejected and disposed of accordingly;

(PRAKASH D. NAIK, J.)