

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1283 OF 2021

Himmat Ramchandra Bhoir	Applicant
versus	
The State of Maharashtra	Respondent

Mr.R.D.Suryawanshi for applicant.
Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 28th June 2021

PC :

1. This is an application for anticipatory bail in CR No.I-0222 of 2019 registered with Navghar Police Station for offence under Sections 420, 465, 467 of Indian Penal Code.

2. Learned counsel for applicant submits that the application for anticipatory bail preferred by the applicant was rejected by the Sessions Court by an order dated 10th October 2019. Whereas, co-accused Vishwas Mhatre, Gajanan Mhatre, Alka Patil and Madhuri Patil had also preferred application for anticipatory bail before the same Court which was allowed by order dated 10th December 2019. In paragraph 6 of the said order it was observed that the applicants therein had succeeded in pointing out that the mutation entries have not been challenged by the complainant which is sufficient to show that the dispute is of civil nature and the remedy lies before Civil Court. It is submitted that although the application preferred by the applicant in 2019 was rejected, notice u/s.41A of Cr.PC was received by the applicant on 16th May 2020.

3. Learned APP submits that during the course of investigation and pursuant to the aforesaid orders, several documents are collected by the Investigating Officer which disclose the complicity of applicant. Learned counsel, however, disputes the submission. It is contended that undisputedly the mutation entries were not challenged.

4. The applicant was granted interim protection vide order dated 11th June 2021 with direction to report Investigating Officer. The applicant has complied the said direction . Learned APP submits that statement of applicant was recorded on 17th June 2021. The applicant has not co-operated with investigation. He has not produced any documents requisitioned by the Investigating Officer.

5. Per contra, learned advocate for applicant states that in the order dated 10th December 2019 passed by Additional Sessions Judge, Thane in Anticipatory Bail Application No.2854 of 2019, it was observed that mutation entries are not being challenged by the complainant till date. It is sufficient to say that dispute is of civil nature and based on documents. The documents are in possession of Investigating Officer.

6. Considering the submissions of both sides and the documents placed on record for consideration, the applicant need not be subjected for custodial interrogation. Interim order deserves to be confirmed. Hence, I pass following order :

ORDER

(i) Interim order dated 11th June 2021 is confirmed;

- (ii) In the event of arrest of applicant in connection with CR No.I-0222 of 2019 registered with Navghar Police Station, the applicant be released on bail on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer as and when called for;
- (iv) Anticipatory Bail Application is disposed of in above terms.

(PRAKASH D. NAIK, J.)

MST