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

ANTICIPATORY BAIL APPLICATION NO. 920 OF 2019

SHANTAPPA CHANDRAMAPPA HEGONDEAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

**WITH
CRIMINAL APPLICATION NO. 1 OF 2019
IN
ANTICIPATORY BAIL APPLICATION NO. 920 OF 2019**

RAFIK RAJEBHAI MUJAWARPETITIONER

IN THE MATTER BETWEEN

SHANTAPPA CHANDRAMAPPA HEGONDEAPPLICANT

V/s.

THE STATE OF MAHARASHTRARESPONDENT

Mr. Rajaram V. Bansode for the applicant
Ms. Sharmila S. Kaushik APP for the State
Mr. Mohammad S. Mulla for complainant-intervenor

CORAM : NITIN W. SAMBRE, J.

DATE: AUGUST 31, 2021.

P.C.:

1] On 16/04/2019, while issuing notice, this court granted ad-

interim protection in favour of applicant in C.R. No. 32/2019 registered with non-applicant for offence punishable under Section 420 of the Indian Penal Code.

2] Heard Shri. Bansode, learned counsel for the applicant and Ms. Kaushik, learned APP assisted by Mr. Mohammad Mulla for the complainant.

3] Mr. Bansode for the complainant would urge that apart from unexplained delay in lodging F.I.R., he would claim that matter of civil nature twisted with colour of offence in question. According to him, applicant is already on ad-interim protection. According to him, applicant is already on ad-interim protection for last two orders and that being so, he deserves protection in the matter.

4] Learned APP informs that a separate offence was registered against the applicant for issuing threats to the complainant. She would further claim that in the said matter, applicant is already released on bail. Counsel for the complainant would urge that apart

from the offence of issuing threats to the complainant, another NC is also registered.

5] With the assistance of respective counsel, I have perused contents of F.I.R. Offence is based on complaint dated 25/01/2019 in which it is claimed that in 2010 applicant has agreed to sell his land for a valid consideration in favour of complainant for which he has accepted consideration on 16/12/2013.

6] Admittedly, in support of allegations of F.I.R., no civil proceedings are taken recourse to by complainant. What is claimed is, amount was paid in cash and eye witnesses to the said incident are relied on for registration of offence in question.

7] Be that as it may, perusal of the contents in the F.I.R. depicts that nature of allegations against the applicant rest on the foundation of a civil dispute as the offence is claimed to have been committed in the discharge of contractual obligation.

Applicant is a public servant as he is working as primary school

teacher.

8] As far as consideration paid is concerned, it is always open for the complainant to seek specific performance or recovery of the amount.

9] So far as the issue of threat is concerned, applicant is already released on bail in the separate charge-sheet filed against the applicant.

10] In the aforesaid background, ad-interim protection ordered on 16/04/2019 stands confirmed with following conditions:

(i) In the event of arrest in C.R. 32 of 2019 registered with Akkalkot South police station, District Solapur, applicant be released on bail on furnishing P. R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

(ii) Applicant shall attend the Investigating Officer on

04/09/2021, 06/09/2021 and 08/09/2021 between 10.00 a.m. to 12.00 noon and thereafter as and when directed.

(iii) Applicant shall not influence the witnesses or tamper with evidence in any manner.

(iv) Liberty to move for cancellation in case if the threat perception persists.

[NITIN W. SAMBRE, J.]