

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

CRIMINAL APPLICATION NO. 299 OF 2017

Suresh Oswal Applicant
v/s.
Shashiprabha Indrakumar Shah and anr. Respondents

Mr. Akshay Bankapur i/b. ERGO Juris for the Applicant.
Mr. P.H. Gaikwad, APP for the State.

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 Respondent Nos.1 to 4 vide order dated 20/05/2017 passed by the Additional Sessions Judge, Pune in Criminal Bail Application No.1478/2017.

2. The Applicant herein had lodged the first information report dated 29/04/2017 against the Respondent Nos.1 to 4 alleging that they had sold the property under Gat No.245, 247, 249/1/2 of village Kharabwadi, Chakan, Taluka Khed, Dist. Pune without disclosing that they had obtained loan by mortgaging the subject property. Pursuant to the said complaint, C.R.No.188/2017 was registered with Khadak

Police Station for offences punishable under sections 406, 420, 463, 465, 467 r/w. 34 of the Indian Penal Code. Apprehending their arrest in the said crime, Respondent Nos.1 to 4 filed their Application under section 438 of Cr.PC. The learned Additional Sessions Judge, Pune while granting the said Application, has observed that the Respondent Nos.1 and 3 had executed the deed of conveyance dated 31/12/2007 in favour of Kushal Metals Pvt. Ltd. of which the complainant and the Respondent No.2, the son of the vendors are the Directors. The learned Judge has also observed that Janata Sahakari Bank Ltd. had already issued a letter stating that the loan account has been closed. The learned Judge has therefore recorded a finding that there is no prima facie material of cheating.

3. Having gone through the order, in my considered view, the order is neither perverse nor suffers from infirmity. Furthermore, the bail granted to the Respondents cannot be cancelled on vague allegations of threat. Doing so would amount to nullifying the bail order. Under the circumstances, no case is made out for cancellation of 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.)