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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2386 OF 2021

**SANJAY KUMAR BHUPENDRABHAI
PATEL**

....APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

WITH

ANTICIPATORY BAIL APPLICATION NO. 2388 OF 2021

SALIMBHAI IBRAHIMBHAI MEER@MIR

...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

.....RESPONDENT

**Adv. Aseem Naphade a/w Mr. Janak Shah, Suraj Shetye, Sarthak
Dhone i/b Ms. Hetal Patel for the applicant**

Mrs. J. S. Lohokare APP for the State in ABA 2386/2021

Mrs. Rutuja Ambekar APP for the State in ABA 2388/2021

Mr. Rajiv Chavan, P.I. Dindoshi Police Station

CORAM : NITIN W. SAMBRE, J.

DATE: NOVEMBER 29, 2021.

P.C.:

1] Applicants are seeking pre-arrest bail in C.R. No. 25/2021
registered with Dindoshi Police Station for offence punishable under

Sections 420 r/w 34 of the Indian Penal Code.

2] Apart from the fact that allegation made in F.I.R. are stale in nature in relation to alleged transaction of Rs. 6 Crores and odd, civil Suit initiated by the complainant is informed to have been already dismissed (Plaint was returned) on 22/01/2021 which was for specific performance for same property, title clearance work was entrusted to applicants in 2011.

3] As such, present proceedings is nothing less than recovery proceedings undertaken by the complainant through investigating machinery. In my opinion, in the aforesaid background, particularly the stale claim brought before the investigating machinery of payment in cash in 2011 case for confirmation of Ad-interim order of pre-arrest bail is made out.

(i) In the event of arrest of applicants in C.R. No. 25/2021 registered with Dindoshi Police Station for offence punishable under Sections 420 r/w 34 of the Indian Penal Code, they be released on bail on

furnishing P.R. bond in the sum of Rs. 15,000/- each with one or more sureties in the like amount.

(ii) Applicants shall neither influence prosecution witnesses in any manner nor tamper with evidence.

(iii) Applicants to attend the Investigating Officer from 13/12/2021 to 20/12/2021 between 10.00 a.m. to 12.00 noon and thereafter, as and when directed.

4] Applications stand disposed of.

[NITIN W. SAMBRE, J.]