

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

**ANTICIPATORY BAIL APPLICATION NO.1614 of 2022
WITH
INTERIM APPLICATION NO.2961 OF 2022**

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Dipak Ankush Sathe

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. Ritesh Thobde, for the Applicant.

Ms. Sharmila S. Kaushik, APP for the Respondent/State.

Ms. Manisha Devkar, a/w Shankar Katkar, for the Intervenor.

CORAM : NITIN W. SAMBRE, J.

DATE : 13th SEPTEMBER, 2022

P.C.

1. Applicant is seeking pre-arrest bail in Crime No.127 registered with Akluj Police Station for the offence punishable under Sections 504, 506, 509 of IPC.

2. The allegations against the applicant are, in December 2018, the complainant borrowed amount of Rs.1,00,000/- against which applicant got executed receipt of Rs.2,00,000/-. Thereafter, on 21st February, 2019, the applicant forcibly got executed agreement of sale in relation to the plot having area of 1.85.77 sq.mtrs. out of Survey No.123/4/1/A/P. It is claimed that till this date, the complainant has already repaid entire amount. The applicant has threatened his family members and his

daughter.

3. Submissions of Mr. Ritesh Thobde, learned counsel appearing for the applicant that apart from pendency of suit for specific performance based on the agreement of sale entered into between the applicant and the complainant, the fact remains that the complainant has initiated proceedings before the District Deputy Registrar for cancellation of agreement of sale, being money lending transaction. The applicant has already co-operated in the investigation.

4. The prayer for pre-arrest bail is apposed by the counsel for the complainant on the ground that applicant's arrest is mandatory considering the nature of offence alleged, the punishment provided. She would further urge that it is necessary to find out as to the amount which is received by the complainant i.e. Rs.1,00,000/- as against claim of Rs.2,00,000/-, the return amount received by the applicant from the complainant and that being so, the application be rejected.

5. Learned APP informs that the applicant/accused has co-operated in the investigation.

6. Considering the fact that already the proceeding at the behest of complainant for cancellation of agreement of sale is pending before the District Deputy Registrar in

exercise of powers under the Money Lending Act, a suit being Regular Civil Suit No.214 of 2022 is pending at the behest of applicant against the complainant for specific performance and the fact that applicant is informed to have been co-operated in the investigation, a case for confirmation of ad-interim protection is made out.

7. Apart from above, the offence with which the applicant is booked under, is punishable maximum for five years. In that view of the matter, ad-interim protection stands confirmed.

8. Till charge-sheet is tendered, the applicant shall continue to attend the Investigating Officer on every Tuesday and Friday between 10.00 a.m. to 12.00 noon.

9. Applicant shall neither influence the witnesses in any manner nor tamper with the evidence.

10. Learned APP in response to the Court's query informs that the original agreement of sale is already recovered from the applicant and that being so, the custodial interrogation is not required.

11. The Anticipatory Bail Application, so also the Interim Application stand disposed of.

(NITIN W. SAMBRE, J.)