

10 November, 2022.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2923 OF 2022

Raju Sitaram Landge and anr.

....Applicants

V/s.

State of Maharashtra and anr.

...Respondents

Mr. Parag V. Dube, Advocate for the applicants.**Mr. H.J. Dedhia**, APP for State.**PSI, Mr. Sunil Randive**, from Samarth Police Station present.

CORAM : SANDEEP K. SHINDE, J.

THURSDAY, 10TH NOVEMBER, 2022.

P.C. :

1. Heard learned Counsel for the parties.
2. That in terms of the order dated 25th February, 2022 passed by the Learned Judicial Magistrate First Class, Pune in exercise of powers conferred under Section 156(3) of the Criminal Procedure Code, Crime No.44/2022 came to be registered against the applicants with Samarth Police Station for the offences punishable under Sections 420, 463, 464, 465

and 468 of the Indian Penal Code. Apprehending arrest, the applicants sought pre-arrest bail. The learned Additional Sessions Judge, declined the pre-arrest protection. Hence, this application.

3. It is applicants' case that, they are the owners of Shop No.11 at Sadhguru Park Co-operative Housing Society, Pune and land Gats No. 1156, 1160 and 1159. Their case is, the complainant is a moneylender, from whom they had borrowed Rs.12,00,000/- and by way of security, executed the agreement to sell Shop No.11 in his favour in the year 2016. Their further case is, they repaid the loan amount with interest at the rate of 5% p.m. and, thus owe nothing to the complainant. Thereafter, they requested the complainant to return the agreement. However, complainant refused to do so. Thus, it is applicants' case that, the complainant with ulterior motive, filed an application before the Judicial Magistrate First Class for order under Section 156(3) of the Criminal Procedure Code. In essence, it is applicant's case that, they have been falsely implicated by the complainant. In the alternative, their case is, assuming the allegations are correct, yet, the allegations in itself, do not constitute offence under the Penal Code and at the highest may, constitute "cause" for instituting suit. However, the fact remains, since 2016, the

complainants have not taken any steps to enforce the interest, in his favour.

4. Mr. Dedhia, learned APP, after taking instructions from the Investigating Officer submits that, till date, the complainant has not filed Suit to secure his interest in the shop/land. Thus, in view of the facts above, prima-facie, a case is made out for granting pre-arrest protection to the applicants. Even otherwise, the custodial interrogation of the applicants, may not further the case of the prosecution, in as much as, it is founded on the documentary evidence. For these reasons, the application is allowed and hence the following order :

ORDER

(i) In the event of arrest of the applicants in Crime No. Crime No.44/2022 registered with Samarth Police Station, they be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand only) each with one or more local sureties in the like amount;

(ii) Applicants shall report to the Investigating Officer as and when called.

(iii) Applicants shall furnish their residential address, as

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well as, permanent address and contact details to the Investigating Officer.

(iv) Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

4. Application is disposed of in the aforesaid terms.

**NEETA
SHAILESH
SAWANT**

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NEETA SHAILESH
SAWANT
Date: 2022.11.10
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(SANDEEP K. SHINDE, J.)