

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3378 OF 2022

1] Sagar Omprakash Agarwal
2] Mohan Shivaji Raut ... Applicants
Versus

The State of Maharashtra ... Respondent

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Mr. Aniket Nikam instructed by Mr. Amit Icham for the Applicants.
Mr. P.H. Gaikwad Patil, APP for the State.
PI Machhindra Pandit, Unit-4, Crime Branch, Pimpri Chinchwad,
present.

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CORAM : N.R. BORKAR, J.

DATED : 8 DECEMBER 2022

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 954 of 2022 registered at Wakad Police Station, Pune for the offences punishable under Sections 406, 420, 465, 467, 468, 471 r/w. 34 of Indian Penal Code.

3. The complainant owns ancestral land bearing Survey No.53/1 at Punawale, Taluka Mulshi, District : Pune. According to the complainant, the applicants agreed to develop the said land and while the talks were going on between them in that respect the applicants deposited an amount of Rs.25 Lakhs in his bank account and in the bank account of

his son. It is alleged that no formal agreement was executed between them. According to the complainant, he, however, all of sudden got the notice from the applicants alleging that he had executed the agreement to sell. According to the complainant, neither he nor his family members ever executed any agreement to sell in favour of the applicants. It is thus alleged that the applicants had prepared the forged agreement to sell.

4. I have heard the learned Counsel for the applicants and the learned APP for the State.

5. The learned Counsel for the applicants submits that on 28 September 2022, the applicant No.1 has lodged the report against the complainant and other co-owners for cheating and misappropriation of amount. The learned Counsel for the applicants submits that applicants have also filed a suit for specific performance. It is submitted that thereafter the present complaint came to be lodged against the present applicants.

6. On the other hand, the learned APP submits that considering the nature of offence, the applicants may not be granted anticipatory bail.

7. Prima facie, the dispute appears to be of civil nature. I am therefore inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicants – 1] Sagar Omprakash Agarwal and 2] Mohan Shivaji Raut in Crime No. 954 of 2022 registered at Wakad Police Station, Pune for the offences punishable under Sections 406, 420, 465, 467, 468, 471 r/w. 34 of Indian Penal Code, they shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount.

(iii) The applicants shall attend the concerned police station on 14th December 2022 to 16th December 2022, between 11.00 a.m. to 2.00 p.m. and thereafter, as and when called by the Investigating Officer and shall co-operate in the investigation.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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by KANCHAN
PRASHANT
DHURI
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