

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 1745 OF 2022

Ravindersingh Tarlochansingh Dhingra ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1781 OF 2022**

Ajay Jagannath Khemnagar ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

**WITH
ANTICIPATORY BAIL APPLICATION NO. 1733 OF 2022**

Rajinder Singh Tarlochan Singh Dhingra ..APPLICANT

VERSUS

State of Maharashtra and Another ..RESPONDENTS

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Mr. Joydeep Chatterji, Advocate for applicant in ABA/1745/22

Mr. N.S. Ghanekar, Advocate for applicant in ABA/1781/22

Mr. Shrimant Mundhe, Advocate for applicant in ABA/1733/22

Mr. D.R. Kale, I/c Public Prosecutor for respondents

Mr.A.K.Bhosle, Advocate for assist to P.P. in ABA/1745/22, ABA/1781/22
and ABA/1733/22

Mr. S.B. Jadhav, Advocate for assist to P.P. in ABA/1781/22

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CORAM : R.G. AVACHAT, J.

DATED : 05th APRIL, 2023

PER COURT :

1. All these applications under Section 438 of Code of Criminal Procedure are being decided by this common order since the applicants

herein claim to have an apprehension of being arrested in connection with one and the same crime vide C.R. No. 248 of 2022 registered with Osmanpura Police Station, Dist. Aurangabad for the offences punishable under Sections 420, 467, 468 and 471 read with Section 34 of the Indian Penal Code ('I.P.C.').

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. All the applicants have already been protected vide orders dated 21st and 23rd December, 2022. The applicants have deposited a sum of Rs.47 lakhs with this Court. It appears that the informant paid Rs.52 lakhs for purchase of the open plot under the registered sale-deed dated 07th October, 2019. It is informed by learned A.P.P. that the said piece of land was to be kept open for public purpose and as such, the applicants did not have right, title and interest to transfer the same. These applicants in the past have agreed to sell the very plot to some others viz. Prakash Rana and Harshad Khandelwal. It however, appears that the agreement entered with Prakash Rana has been cancelled and two of the applicants have repaid his amount. Applicant - Rajindersingh has yet to pay back Prakash Rana a sum of Rs.7 lakhs. He issued a cheque towards repayment of said amount, but the said cheque however, could not be presented because of applicant - Rajindersingh's instructions.

4. During hearing of these applications, the Court asked the applicants to pay 8% interest on the amount received by them from the date they received the amount to the date of deposit with this Court. They have readily agreed. The said proposal is also agreeable to the informant. It also appears that the informant paid a sum of Rs.5 lakhs to one Mrs. Tongire, for removal of encroachment made on the plot. Said application would be heard independently.

5. It also appears that Rajindersingh and his brother had entered into some transaction with Prakash Rana. Rajindersingh has not paid the amount received from Prakash Rana. Applicant - Rajindersingh, on instructions, comes around to pay back a sum of Rs.7 lakhs to Prakash Rana within a period of six weeks from today. He also agrees to pay interest @ 8% on the amount of Rs.20 lakhs from the date he had received the amount from Khinvasara i.e. 07th October, 2019 to the date of payment of that much amount to this Court i.e. 03rd January, 2023. Other applicants are also ready to pay 8% interest on the amount of their share which has already been deposited by them to this Court, from the date they received the amount to the date they deposited the same with this Court, within six weeks.

6. These statements are taken as an undertaking to this Court. Once the amount deposited, the concerned applicant and the intervener would be

entitled to receive the same from this Court. Failure to comply with the undertakings within the timeline would result in cancellation of order granting the applicants anticipatory bail.

7. In view of above, orders dated 21st and 23rd December, 2022 are hereby made absolute. The applicants shall appear before the investigating officer, as and when required for the investigating purpose. The applicants shall not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

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