

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

ANTICIPATORY BAIL APPLICATION NO.2866 OF 2022

Jeevandatta M. Argade ..Applicant

VS.

The State of Maharashtra ..Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO.2867 OF 2022

Nivedita Jeevandatt Argade ..Applicant

VS.

The State of Maharashtra ..Respondent

Mr. Swaraj Jadhav i/b. Ms. Sapnali D. Pednekar for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

HC Waghmode, Barshi City Police Station.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 9, 2023

P.C. :

- 1.** Parties have no objection if a common order is passed.
- 2.** Heard learned counsel for the applicants and learned APP for the State.
- 3.** These are the applications for pre-arrest bail in respect of the C.R.No.259/2022 registered with the Barshi City Police Station, for the offence punishable under Sections 389, 384, 420, 465, 467, 468, 471 read with 34 of

the Indian Penal Code, 1860 (hereafter 'IPC' for short).

4. The applicant-Nivedita in ABA No.2867/2022 is the wife of the applicant-Jeevandatta in ABA No.2866/2022. The First Information Report (FIR) is dated April 10, 2022. It is alleged by the first informant that a property belonging to him was by a registered sale deed is shown as sold to the applicant-Nivedita without any consideration. It is alleged that the first informant was previously working in one company. Certain amount to the tune of Rs.14 lakhs was invested by the investors. According to the investors, the first informant was responsible for duping them. The first informant was threatened by the applicant-Jeevandatta that the investors be compensated and towards that end, the first informant was forced to execute the sale deed dated January 7, 2022 in favour of applicant-Jeevandatta's wife Nivedita.

5. Learned counsel for the applicants submitted that the transaction in question is of a civil nature and in fact, the proceedings have been initiated before the competent Revenue Authorities by the first informant for appropriate

reliefs. Learned counsel submitted that it is always open for the first informant to pursue his remedy in the civil Court for declaring the sale deed as null and void. He submitted that a civil dispute is converted into a criminal case.

6. Learned counsel for the applicants, however, submitted that to show their *bonafides*, the applicants are willing to deposit a sum of Rs.14 lakhs in terms of the schedule which has been tendered today by learned counsel for the applicants. As per this schedule, an amount of Rs.6 lakhs will be deposited before the Judicial Magistrate First Class, Barshi, on or before January 23, 2022. A further sum of Rs.3 lakhs will be deposited on or before February 28, 2023. The balance of Rs.5 lakhs will be deposited on or before March 30, 2023.

7. Learned counsel for the applicants, on instructions, submitted that thus a total amount of Rs.14 lakhs which will secure the interest of the investors, will be deposited on or before March 30, 2023 in terms of what is stated herein before. Statement accepted. The deposit will abide by the order of the competent Court.

8. Factually, there is a sale deed in favour of the applicant-Nivedita. *Prima facie*, the dispute appears to be of a civil nature. The custodial interrogation of the applicants is not necessary particularly when the applicants have even secured the amount of the investors by showing their *bonafides*.

9. Learned APP opposed the application for anticipatory bail. However, as I am satisfied that this is not a case for custodial interrogation as dispute between the parties is of civil nature, the applications can be allowed. Hence the following order.

ORDER

(i) The applications are allowed;

(ii) In the event of arrest of the applicants in connection with C.R.No.259/2022 registered with the Barshi City Police Station, they shall be released on their furnishing a P.R. bonds in the sum of Rs.25,000/- each with one or more sureties in the like amount;

(iii) The applicants to report to the concerned police station on 12th and 13th January 2023, between 11.00 a.m. and 01.00 p.m. and thereafter as and when

called for;

(iv) The applicants to co-operate with the Investigating Officer;

(v) The applicants to abide by the statement regarding deposit of Rs.14 lakhs within the time frame stipulated hereinabove. If the same is not abided, liberty to apply for cancellation of anticipatory bail;

(vi) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence;

(vii) The applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

10. The applications are disposed of.

(M. S. KARNIK, J.)