

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1043 OF 2020

Nandkishor V. Jire ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
INTERIM APPLICATION NO. 840 OF 2021

Mr. V.V. Purwant for the Applicant.
Mrs. Veera Shinde , APP for the Respondent/State.
Mr. Hrishikesh Giri a/w. Mr. Swapnil L. Chopade and Mr. Prateek Jha
for the Intervenor.

CORAM : N.R. BORKAR, J.
DATE : 01.02.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. I have heard the learned Counsel for the applicant, learned APP for the State and the learned Counsel for the complainant/intervenor.
3. This Court on dated 6 January 2021 passed the following order:

. The applicant, apprehending arrest in Crime No.280/2020 of Police Station Sarkarwada, District Nashik City, under Section

420 and 406 of IPC, is seeking anticipatory bail.

2. The prosecution case as disclosed from the complaint dated 12/11/2020 lodged by Vinod Kukreja is that the applicant owns a bungalow at Nashik which he had agreed to sale to the complainant and two others, somewhere in the year 2015. Subsequently, the purchasers brought fourth person and a supplementary agreement was executed. According to the applicant, the person who was Mamta Kale subsequently brought in had agreed to clear loan of Rs.78 Lakhs on the said property, which he failed to clear. The applicant, thereafter with an intention to sale property, issued a public notice on 11/8/2020 which led the complainant to file the present complaint.

3. The learned counsel for the applicant points out that no objection was raised in pursuance of said notice. It is pointed out that still the applicant has not executed any conveyance in respect of the said property and the applicant continues to be the owner of the said property. It is submitted that thus there is no element of any deficit, as claimed. It is submitted that the dispute if any, is essentially of a civil nature, without any criminal overtones.

3. The learned APP seeks time to take instructions.

4. In the circumstances, for the present, the following order is passed.

ORDER

1. In the event of his arrest, in connection with investigation of Crime No.280/2020 of Police Station Sarkarwada, District Nashik City, the applicant be released on bail on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties, in the like amount.

2. The applicant shall attend the Investigating Officer once in two weeks on Monday in between 11.00 a.m. to 1.00 p.m. and as and when required by the Investigating Officer.

3. The first of such attendance shall be made on 18/1/2021.

4. The applicant shall co-operate with the

Investigating Agency and shall not tamper with the prosecution evidence / witnesses.

5. The applicant shall not leave the jurisdiction of concerned Police Station, without intimation / permission of the Investigating Officer.

6. This order shall remain in force till next date. Stand over to 3/2/2021."

4. I have perused the FIR. Prima facie, the dispute appears to be of purely civil nature. I am therefore, inclined to allow the present application. Accordingly, the interim order passed on 6 January 2021 is hereby confirmed.

5. Anticipatory Bail Application is disposed of.

6. The interim Application for intervention stands disposed of.

[N.R.BORKAR, J.]