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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1054 OF 2023**

1. Pradeep Lalan Singh ...
2. Shobha Pradip Singh ...Applicants

vs.

The State of Maharashtra ...Respondents

**WITH
INTERIM APPLICATION NO.1658 OF 2023
IN
ANTICIPATORY BAIL APPLICATION NO.1054 OF 2023**

Gajanan Bandhu Singh ...Applicant

In the matter between

Pradeep Singh & Anr. ...Applicant

vs.

State of Maharashtra ...Respondent

Mr. Ashutosh Gole for the Applicants.

Mr. Viral S. Babar i/b Mr. Kanchan Jain for the Applicant in IA
No.1658/2023.

Mr. Y. Y. Dabke APP for the Respondent-State.

CORAM : S. M. MODAK, J.

DATED : 27TH APRIL 2023

P.C. :

1. Heard learned Advocate for the Applicant, learned Advocate for the first informant and learned APP for the Respondent-State.
2. The first informant-Gajanan Singh in C.R. No. 239/23 registered at Tulij Police station wants to intervene in this matter. Permission granted. In addition to annexures, he wants to place on record more documents. He can do so by supplying to other side.
3. Interim Application is disposed of.

ANTICIPATORY BAIL APPLICATION NO.1054 OF 2023

4. Present two Applicants, who are husband and wife are apprehending arrest in connection with C.R. No.239 of 2023, registered with Tulinj police station for the offence punishable under sections 406, 420, 465, 467, 468, 471, 506 read with 34 of IPC. Earlier to that there is another FIR registered at the same police station being C.R. No. 622 of 2022. It was at the instance of One Prakash Naik, who claims to be owner of the land and structure standing thereon which is used as marriage hall. In addition to present Applicant one Gajanan Singh was also accused in the earlier

offence. Now this fresh offence is registered at the instance of said Gajanan Singh, who is the first informant.

5. The allegation is that sale deed alleged to be executed in between Mansukhlal Nathubhai Dagli as the vendor and the first informant Gajanan Singh as the purchaser, in fact has not been executed by the first informant Gajanan Singh. In addition to that he is having grievance with regard to registered leave and license agreement dated 28th March 2022. His grievance is that the said document is executed by misrepresentation.

6. The contention of the Applicants is that once already there is FIR in which both are the accused persons, the second FIR on the same set of facts cannot be filed. Learned Advocate placed reliance on the observation reported in *T. Anthony Vs. State of Kerala and Others*¹.

7. Learned Advocate for the first informant submitted that the claim made by Shobha Singh with the Corporation for transferring her name on the basis of the said sale deed was not produced during investigation of the first offence and he apprehends that on the basis of that sale deed during pendency of this application, they will make

¹ (2001) 6 SCC 181

various claims and it will prejudice interest of their client. About this apprehension the first informant is at liberty to take appropriate steps. Unless the matter is heard in detail, it is difficult for this Court to make any observation.

8. The investigating agency is at liberty to point out on the next date, that non production of the sale deed as one of the ground for opposing this anticipatory bail Application. At this stage both the Applicants are entitled for interim protection. Hence the following order is passed :

O R D E R

- (a) In the event of arrest, the Applicant No.1-Pradeep Lalan Singh and Applicant No.2-Shobha Pradip Singh be released on bail on furnishing personal bond and surety bond of Rs.25,000/- each in connection with C.R. No.239 of 2023, registered with Tulinj police station for the offence punishable under sections 406, 420, 465, 467, 468, 471, 506 read with 34 of IPC.
- (b) The Applicants shall not threaten the prosecution witnesses or allure them in any manner
- (c) The Applicants shall give attendance to the Tulinj police station on every Thursday in the week commencing from 15th May

2023, from 10 am to am to 12 noon and continue to give attendance on every third Thursday of every month until further order. The attendance is given after 15th May 2023, in view of submission that there is marriage of close relatives of the Applicants.

- (d) Needless to say, violating of the condition above will make the Applicant liable for cancellation of anticipatory bail, after notice to the Applicant.
- 9. All the parties to act on an authenticated copy of this order.
- 10. Matter be kept on **22nd June 2023**.

[S. M. MODAK, J.]