

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

ANTICIPATORY BAIL APPLICATION NO. 1771 OF 2023

Abhijit Eknath Raut ...Applicant

vs.

The State of Maharashtra ...Respondent

ALONG WITH

**INTERIM APPLICATION NO. 2388 OF 2023
[NOT ON BOARD TAKEN ON BOARD]**

IN

ANTICIPATORY BAIL APPLICATION NO. 1771 OF 2023

Eknath Kashinath Raut ...Intervenor

In the matter between

Abhijit Eknath Raut ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr.Tarun – Advocate for Applicant.

Mr.H.J.Dedhia - APP for Respondent-State.

Mr.Satyavrat Joshi i/b. Mr.Shubham Mhatre – Advocate for Applicant
in IA No. 2388 of 2023.

Mr.Eknath K.Raut–Applicant in Person in IA No.2388/2023 present.

CORAM : S. M. MODAK, J.

DATED : 3RD JULY 2023

P.C. :

1. Heard learned Advocate for the Applicant, learned Advocate
for the Intervenor – First Informant and learned APP

Satish Sangar

2. The Applicant is apprehending an arrest in connection with C.R. No. 64 of 2023 registered with Mandavi Police Station – Mira Bhayander Vasai Virar Police Commissionerate on 8th March, 2023 under Sections 420, 465, 467, 468, 471 of Indian Penal Code, 1860 [“IPC”]. It is in respect of one ‘no objection’ alleged to be executed by the First-Informant on 13th October, 2021. The NOC mentions that the First-Informant has given ‘no objection’ for transferring the first floor of the gala situated at Vasai (East). The First-Informant came to know when he went to the Corporation Office in the month of November-2022. On enquiry, it was revealed to him that the NOC does not bear his signature. Accordingly, he lodged the complaint.

3. There are litigations going on between the parties. One of them is going on before the Court of Civil Judge Senior Division by the sons and mother against Eknath Raut and Savita Raut. It is for partition. Furthermore, the mother of the present Applicant has filed proceeding under the provisions of Domestic Violence Act against the First-Informant.

4. The Applicant claims that the NOC was given by the First-Informant only and he placed reliance on an affidavit given by Vinod Narayan Sane and Nitesh Narayan Sane from whom, the First-

Informant has purchased this property. They have stated that the First-Informant has put signature in their presence.

5. Learned Advocate Shri.Joshi submitted that the custodial interrogation of the Applicant is required. Whereas, learned APP submitted that the affidavit filed by erstwhile owners is after rejection of Anticipatory Bail Application by the Court of Additional Sessions Judge – Vasai.

6. The Intervention Application filed by the First-Informant is allowed and disposed of. It is true that the dispute is between the father and son and other relatives. So, a suggestion is made to them why not they are ready to go to the Mediator for settling the matter. The proceedings are going on before the Civil Court – Vasai and pre arrest bail is rejected by the Court of Additional Sessions Judge – Vasai. So, it is difficult to refer the dispute to them. A suggestion is given that let the matter be referred to Retired Judge of this Court. The First-Informant is present.

7. After taking instructions from him, Mr.Joshi has consented for referring to mediation. Both of them have suggested to refer the dispute to Justice S.K.Shinde (Retired Judge of Bombay High Court). They are ready to pay his fees equally. It is presumed that through the Applicant, his mother has also consented for referring the

dispute to mediation.

8. In the meantime, Applicant needs to be protected from arrest.

Hence, following order is passed :-

O R D E R

- (i) In case of an arrest in connection with C.R. No. 64 of 2023 registered with Mandavi Police Station for the offences punishable under Sections 420, 465, 467, 468, 47 of IPC, the Applicant – Abhijit Eknath Raut be released on furnishing personal bond and surety bond of Rs.25,000/-.
 - (ii) Applicant is directed to give attendance to Mandavi Police Station on first and third Friday from 10.00 to 12.00 noon until further orders.
9. Let the dispute be referred to the mediation through Justice Shri.S.K.Shinde (Retired Judge of Bombay High Court). Let the parties to seek his appointment and discuss about his fees and to apprise the Court on the next date.
10. Matter be kept on **21st August, 2023**.
11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]