

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1004 OF 2021**

Rajesh Mahendra Agarwal ... Applicant

Versus

The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 227 OF 2022**

.....

Mr. Vikram Sutaria for the Applicant.
Ms. Veera Shinde, APP for the State.
Mr. Kuldeep Nikam for the Intervenor.

.....

CORAM : N.R. BORKAR, J.

DATED : 31 JANUARY 2023

P.C. :-

. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 187 of 2021 registered at Lonikand Police Station, Pune for the offence punishable under Section 420 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant, the learned APP for the State and the learned Counsel for the intervenor.

4. According to the complainant, by sale-deed dated 6 February 2015, she had purchased 11R land out of Gat No.634 at Village Kolwadi, Taluka Haveli, District Pune from Mahendra Agrawal and Kishore Raikar. It is alleged that the present applicant who had no concern with the said land had sold 4R land out of said 11R land to one Sachin Nikam and others.

5. According to the applicant, Mahendra Agrawal was his father. His father had gifted him 26R land out of land Gat No.634, and out of said 26R he had sold 4R land to Sachin Nikam and others.

6. The dispute prima facie appears to be of civil nature. I am therefore inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Rajesh Mahendra Agarwal in Crime No. 187 of 2021 registered at Lonikand Police Station, Pune for the offence punishable under Section 420 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) In view of above, the interim application stands disposed of.

(N.R. BORKAR, J.)