

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3050 OF 2021

Vishnu N. Palve ...Applicant
V/s.
The State of Maharashtra ...Respondent.

Mr. Sandeep D. Shinde i/b Ergo Juris for the Applicant.
Mr. P.H. Gaikwad-Patil, APP for the Respondent/State.
PI Mr. R.G. Magar, EOW, Nashik City is present.

CORAM : N.R. BORKAR, J.
DATE : 28.02.2023.

P.C. :

1. For the reasons stated in the affidavit filed by the Investigating Officer, the order dated 13 February 2023 to the extent of directing issuance of bailable warrant against him is recalled.
2. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
3. I have heard the learned counsel for the applicant and the learned APP for the respondent/State.
4. This Court on 20 December 2021 passed the following order.
“ Heard.
2 According to informant, he had purchased landed property bearing Survey No. 211 admeasuring 1 Hectare 77 Ares from the applicant. Later on, he came to know that the applicant along with co-accused Rummy Rajput in collusion with the Notary Advocate A.

I. Shaikh had executed one Sathe-Khat (agreement for sale) in respect of the said property on 08/04/2010. Based on the said agreement of sale, sale-deed was executed and co-accused Rummy Rajput is claiming to be the owner of said property. Thus, all the accused in collusion with each other committed fraud and cheated on him.

3 The whole case seems to be based on documentary evidence which is apparent from the nature of accusation. In such circumstances, ad-interim protection can be granted to the applicant with certain conditions. Hence, the following order.

ORDER

(i) In the event of arrest of the applicant - Vishnu Nathu Palve in C.R.No. 244 of 2021 registered with Upanagar Police Station, Nashik City, for the offences punishable under sections 120-B, 420, 367, 468, 471, 506, r/w 34 of Indian Penal Code, the applicant be enlarged on bail on his furnishing PR & SB in the sum of Rs.20,000/- with one or two sureties.

(ii) The applicant shall not tamper the prosecution evidence.

(iii) The applicant shall attend the concerned police station as and when called by the Investigating Officer.

(iv) Issue notice to the concerned police station, returnable on 24th January, 2022.

(v) This order shall remain in force till the next date."

5. The learned APP, on instructions, submits that the investigation is over. Even otherwise, *prima facie*, the dispute appears to be of civil nature. In that view of the matter, I am inclined to allow the present application. The interim order passed by this Court dated 20 December 2021 is hereby confirmed.

6. The Application is disposed of.

[N.R.BORKAR, J.]