

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3167 OF 2022**

Sagar Raghunath Kalate ...Applicant

Versus

The State of Maharashtra and anr. ...Respondents

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Mr. Sandeep Salunkhe for the Applicant.

Mr. Sanjeev Kadam i/b Mr. Shivam Kadam for the First Informant.

Mr. P.H. Gaikwad Patil, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 9 JANUARY 2023

P.C. :-

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

2. The applicant is apprehending his arrest in Crime No. 807 of 2022 registered at Hinjewadi Police Station, Pimpri-Chinchwad for the offences punishable under Sections 406, 420 and 468 of the Indian Penal Code.

3. I have heard the learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for the respondent No. 2.

4. This Court on 15 November 2022 passed the following order:

“1.Heard learned Counsel for the parties.

2.Apparently, genesis of the dispute between the complainant and the applicant, is the sale-deed, dated 13th January, 2016 executed by the complainant in favour of the applicant. By this sale-deed, the land ad-measuring 10.36 acres was sold to the complainant. It appears, the dispute arose over the boundaries of the said land between the complainant and the adjoining land holder. As

such, the adjoining land holder, filed a suit against the complainant, in 2020. Thereafter, in August, 2022, the complainant filed a suit against the applicant, registered vide Crime No.807/2022, for the offences punishable under Sections 420, 67, 468 of the Indian Penal Code. Applicant seeks pre-arrest bail, in connection with the said crime. In view of the facts stated above, prima-facie, a case is made out for granting interim pre-arrest protection. However, in consideration of the facts of the case, it would be expedient to join the complainant as a party respondent. Applicant to implead the complainant. Consequential amendments to be carried out forthwith. Mr. Sanjeev Kadam, learned Advocate waives notice for added respondent. Stand over to 15th December, 2022.

3. In the meanwhile, in the event of arrest of the applicant in C.R. No. 807/2022 registered with Hinjewadi Police Station, Pimpri-Chinchwad, he shall be released on bail on executing P.R. Bond in the sum of Rs. 25,000/- (Twenty Five Thousand only) with one or two sureties in the like amount.

4. Stand over to 15th December, 2022 for further consideration.”

5. I have perused the First Information Report. Prima facie, the dispute appears to be of a civil nature as the allegations are of mentioning of wrong boundaries in certain documents/conveyance deeds executed by the applicant. Thus, the order passed by this Court on 15 November 2022 is hereby confirmed.

6. Application is disposed of.

(N.R. BORKAR, J.)