

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2366 OF 2018**

Pawan Chandrakant Pawar ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH

INTERIM APPLICATION NO. 356 OF 2021

AND

ANTICIPATORY BAIL APPLICATION NO. 2475 OF 2018

Dinkar Gotiram Adhav ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. Kishor Walanju for the Applicant in ABA/2366/2018.

Mr. Satyajeet Dighe for the Applicant in ABA/2475/2018.

Ms. Veera Shinde, APP for the State.

Mr. Aamir Malik a/w Mr. Zuber Chakdi i/b Ms. Shraddha Dube Patil for the Intervener.

Mr. Pankaj Bhalerao, PI, Upnagar Police Station, Nashik, Present.

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CORAM : N.R. BORKAR, J.

DATED : 28 FEBRUARY 2023

P.C. :-

. The applicants who are accused in Crime No. 399 of 2018, registered at Upnagar Police Station, Nashik for the offences punishable under Sections 420, 468, 471, 448 r/w 34 of the Indian Penal Code have filed these applications under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. I have heard the learned Counsel for the applicants, the learned APP for the State and the learned Counsel for the complainant/intervenor.

3. On 28 November 2018, this Court in Anticipatory Bail Application No. 2366 of 2018 passed the following order:

“1] The applicant is apprehending arrest in CR No. 399 of 2018 dated 13.10.2018 registered with Upnagar Police Station, Nashik under sections 420, 468, 471, 448 read with 34 of the Indian Penal Code.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record of investigation.

3] The record indicates that, the Investigating Officer is yet to interrogate the co-accused namely Dinkar Adhav, Vilas M. Gaikwad and Deepak Sadakale who have allegedly sold the property to the applicant and the applicant in turn further sold it to other person. The learned APP seeks time to take instructions. At his request, stand over to 19th December 2018.

4] Till then the applicant is granted interim relief:

Hence the following Order:-

i] In the event of arrest in CR No. 399 of 2018 registered with the Upnagar Police Station, Nashik, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] Applicant shall attend the Investigating Officer as and when called for between 10.00 a.m to 2.00 p.m after receipt of notice in writing from the concerned Investigating Officer and to join the process of investigation till submission of final report.

iii] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

5] Stand over to 19th December 2018.”

4. Thereafter, on 12 December 2018, similar interim order was passed in Anticipatory Bail Application No. 2475 of 2018. The said order reads thus :

“1. Learned APP submitted that the Investigating Officer is not present to give instructions. At her request, stand over to 19th December, 2019.

2. Till then the applicant is granted interim relief on the same terms and conditions as granted in Anticipatory Bail Application No. 2366 of 2018.”

5. I have perused the First Information Report. There appears to be dispute between the parties in relation to ownership of land bearing Survey No. 79/17 at Mauje Dasak, District : Nashik. Even otherwise, the learned APP on instructions submits that during the course of investigation the applicants submitted the relevant documents, which were sought. The learned APP submits that the custodial interrogation of the present applicants is therefore not necessary.

6. Considering the overall facts and circumstances, I am inclined to allow the present applications. The interim order dated 28 November 2018 passed by this Court in Anticipatory Bail Application No. 2366 of 2018 and interim order dated 12 December 2018 in Anticipatory Bail Application No. 2475 of 2018 are hereby confirmed.

7. The Applications are disposed of.

8. The Interim Application for intervention stands disposed of.

(N.R. BORKAR, J.)