

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3530 OF 2022

Seema B. Maske ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
INTERIM APPLICATION NO. 32 OF 2023

AND
ANTICIPATORY BAIL APPLICATION NO.3531 OF 2022

Balasaheb G. Dhamale ...Applicant
V/s.
The State of Maharashtra ...Respondent.

WITH
INTERIM APPLICATION NO. 30 OF 2023

Mr. Sanjeev Kadam i/b Mr. Rajesh More for the Applicant in ABA-3530-2022.

Mr. Manoj Mohite, Sr. Advocate i/b Mr. Rajesh More for the Applicant in ABA-3531-2022.

Mr. Dinesh Adsule for the Intervenor.

Mrs. Veera Shinde, APP for the Respondent/State.

CORAM : N.R. BORKAR, J.
DATE : 17.02.2023.

P.C. :

1. The applicants who are accused in Crime No.442 of 2022 registered at Vimantal Police Station, Pune for the offences punishable under Sections 420, 468, 467, 417 and 471 read with 34 of the Indian Penal Code, have filed these applications under Section 438 of the Code of Criminal Procedure for anticipatory bail.

2. I have heard the learned Senior Counsel appearing for the applicants, the learned APP for the respondent / State and the learned counsel for the intervenor.

3. According to the complainant, applicant - Balasaheb Dhamale agreed to sell shop premises to him for total consideration of Rs.21 lakhs and accepted Rs.16,30,000/- towards earnest amount. According to the complainant, later on he found that applicant - Balasaheb Dhamale had executed power of attorney in favour of one Atmaram Mokashi and he had executed Gift Deed in relation to shop in question in favour of applicant - Seema Maske.

4. According to the complainant himself the power of attorney was in relation to some other shop and not in relation to shop in question. If this is so, then Gift Deed executed in respect of shop in question pursuant to said power of attorney is of no consequence. Even otherwise, *prima facie*, the dispute appears to be of civil nature. I am therefore, inclined to release the applicants on anticipatory bail. In the result the following order is passed.

ORDER

A) Applications are allowed.

B) In the event of arrest of the applicants in C.R. No. 442 of 2022 registered at Vimantal Police Station, Pune for the offences punishable under Sections 420, 468, 467, 417 and 471 read with 34 of the Indian Penal Code, they be released

on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one or two sureties in the like amount.

C) The applicants shall attend the concerned police station as and when called by the Investigating Officer and shall cooperate in the investigation.

5. The interim applications for intervention are disposed of.

[N.R.BORKAR, J.]