



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3324 OF 2023**

Nitin Rajkumar Bansal	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Rahul B. Khot with Mr. Aditya D. Khandave, for Applicant.
Ms. Anamika Malhotra, APP for State.
Mr. Sachin Dhamane, API, Vimantal Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 30 NOVEMBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.532 of 2023 registered with Vimantal Police Station, Pune, for the offences punishable under Sections 406, 415, 417, 420, 506 of the Indian Penal Code.
3. The applicant's father had sold Shop Nos.6, 7, 8 and 9 to the first informant's husband and other family members. He had allegedly agreed to sell Shop Nos.11, 12, 13 and 3 as well to the first informant's husband and accepted a consideration of Rs.15 Lakhs through banking channel and Rs.7 Lakhs in cash. In the intervening period, Shop Nos.11, 12 and 13 were given on rent and the tenants had deposited rent in the account of the first informant. The applicant's father passed away. Thereafter, the applicant allegedly refused to execute instruments in favour of

the first informant and her relatives and convey the said shops. The applicant allegedly put his own lock on the said shops and thereby dispossessed the first informant. Hence, the report.

4. From the perusal of the allegations in the FIR, it becomes abundantly clear that the dispute is of purely civil nature. At best, it is a case of the failure on the part of the applicant to perform the contract entered into by his deceased father. The remedy lies before the Civil Court.

5. In any event, even if the allegations in the FIR are taken at par, the custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. I am, therefore, inclined to exercise the discretion in favour of the applicant.

5. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Nitin Rajkumar Bansal in connection with C.R.No.532 of 2023 registered with Vimantal Police Station, Pune, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Vimantal Police Station on 6th, 7th and 8th December 2023 in between 10.00 a.m. to 1.00 p.m., and thereafter, as and when directed.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(N.J.JAMADAR, J.)