



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 105 OF 2024

Mohammad Abdul Mohsin Mohammad
Abdul Latif And Others

....Applicants

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. Sohail Subhedar h/f. Mr. N.S. Ghanekar, Advocate for
applicants

Mr. S.P. Sonpawale, APP for State

Mr. A.D. Hande, APP for informant

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd MAY, 2024

ORDER :

1. Applicants apprehend arrest in C.R. No. 423/2023, registered with Vimantal Police Station, Nanded for offence punishable under sections 420, 406, 467, 468, 471 r/w 34 of Indian Penal Code.

2. FIR is lodged by Mohammad Imadoddin Siddiqui alleging that applicants created plots in their land Survey No. 6, Mhalja, Taluka and Dist. Nanded (in front of fruit market) in the name "Galaxy Park". Regular Civil Suit No. 45/2014 was pending in respect of said land. They suppressed the said aspect from

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informant and his associate Syed Athar Ali and entered into agreement for sale of 19 plots A-10 to A-8, after receiving advance of Rs. 2,11,000/- in the office of Notary Public. Informant's father took efforts and assisted both parties in Civil Suit No. 45/2014 to compromise the said suit on 09.09.2020. Thereafter, informant paid Rs. 37,60,000/- in installments to applicants from 15.12.2019 to 23.12.2020. Applicants executed sale deeds of eight plots and informant was preparing for execution of sale deed of other four plots by collecting Rs. 18,80,000/- and prepared drafts also. Thereafter, on 25.10.2023 informant came to know that applicants have sold said plots to third parties and thereby cheated him.

3. Heard learned advocate for applicant, learned APP for State and learned advocate for informant. Perused the investigation papers.

4. From the allegations made in the FIR and the material collected during the investigation, *prima facie*, this Court is of the view that the dispute between informant and applicants is of civil nature. Informant has already filed civil suit against applicants and according to him stay order is granted by Trial Court in his favour.

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5. Investigation pertains to documents, which are already seized by investigating officer. Nothing is to be recovered from applicants. Therefore, their pre-trial custodial detention is not necessary in the facts of the present case.

6. In the result, application is allowed by confirming interim protection granted to applicants by order dated 24th January, 2024.

7. Till filing of charge sheet, applicants shall attend the concerned police station on every Saturday and Sunday, between 10.00 am to 12.00 noon and shall co-operate in the investigation. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]