



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 771 OF 2024

Motilal Kashinath Sonawane

VERSUS

The State Of Maharashtra And Another

- Mr. A. D. Pawar, Advocate for the Applicant
- Ms. M. L. Sangit, APP for the Respondent/State

CORAM : R.M. JOSHI, J

DATE : OCTOBER 09, 2024

PER COURT :

1. Applicant apprehends arrest in connection with with C.R. No. 190 of 2024 registered with Dhule City Police Station, Dist. Dhule for the offences punishable under Sections 385, 420, 504, 506 of the Indian Penal Code.

2. First information report indicates that Applicant is broker. He had introduced the informant with the vendor. It is stated by the informant that for the purpose of completing the said transactions, permissions were to be obtained and the present Applicant had assured to help him in obtaining the said permissions. However, later on he did not do so though accepted the brokerage of Rs. 1,80,000/-. hence,

offence came to be registered against him.

3. Learned Counsel for the Applicant submits that even if the contents of the FIR are accepted, it is nothing but a civil dispute in respect of the alleged recovery of the brokerage from the Applicant. In this regard, he drew attention of the Court to the Special Civil Suit No. 532/2022 filed by the wife of the informant against vendor and the Applicant. Thus, it is his contention that the informant is trying to give colour of criminality to civil transaction.

4. Learned APP opposed the application by citing documents on record which indicates that present Applicant was party to the transaction as he has signed the said agreement to sale as well as earnest money received as witness. It is submitted that the Applicant has criminal history and two other offences are registered against him.

5. Even if the contents of the FIR are accepted as it is, the dispute is with regard to the payment of the brokerage by the informant to the Applicant and that failure on the part of the Applicant to help the

informant in obtaining the permissions for transaction. *Prima facie* this Court finds substance in the contention of the Applicant that dispute is civil in nature and it may be open for informant to file civil proceedings. Nothing is to be recovered from Applicant and hence, this is not case of custodial interrogation.

6. In view of above, application is allowed by confirming interim order dated 01.08.2024.

(R.M. JOSHI, J.)