



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4044 OF 2024
IN CRIMINAL APPLICATION NO. 1835 OF 2024
IN CRIMINAL APPEAL NO. 426 OF 2024**

Dnyandeo Sabhaji Waphare and Another

..APPLICANTS

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. R.N. Dhorde, Senior Advocate a/w Mr. P.S. Dighe and Mr. S.P. Nimbalkar, Advocates i/b Mr. V.R. Dhorde, Advocate for applicants
Mr. S.V. Hange, A.P.P. for respondent - State

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**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 25th SEPTEMBER, 2024**

PER COURT :

1. This is an application for grant of interim bail to Applicant No.1 only. Applicant No.2 has already been released on bail by this Court.

2. Heard learned counsel for the applicants and learned A.P.P. for State.

3. Pursuant to order dated 05th August, 2024 passed by this Court, the applicants had moved learned Single Judge of this Court in Civil Application No. 8277 of 2024 in Writ Petition No. 2633 of 2019 for release of the property attached by the informant – bank and permission to sell the said property. Admittedly, learned Single Judge by order dated 05th September, 2024 allowed the application and passed the following order :-

- (i) *The application is allowed.*
- (ii) *The applicant is at liberty to sell the property described in prayer clause (A) of this application. Said property stands released from attachment.*
- (iii) *Even if the property is sold for lesser amount, the applicant shall deposit Rs.1 crore in the office of this Court within one week after the sale is completed.*
- (iv) *After depositing the amount, the said amount shall be kept in fixed deposit of any nationalised bank.*
- (v) *Other necessary orders will be passed depending upon circumstances.*
- (vi) *The civil application stands disposed of.*

4. The reason sought for the interim bail is that Applicant No.1 wants to execute sale deed in respect of the property which is the subject matter of litigation. We do not see any impediment to allow this application and hence we proceed to pass the following order :-

ORDER

- (I) Criminal application is allowed.
- (II) Applicant No.1 - Dnyandeo Sabhaji Waphare is granted interim bail from 02nd October, 2024 till 05th October, 2024 on furnishing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount, to be furnished before the trial Court.
- (III) He shall surrender back to the concerned jail in the evening of 05th October, 2024.
- (IV) Parties to act upon authenticated copy of this order.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

SSD