



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

ANTICIPATORY BAIL APPLICATION NO. 1966 OF 2023

ANIL EKNATH DAIGAVHANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. S.S. Thombre, Advocate for Applicants
Mr. S.P. Sonpawale, APP for Respondents/State
Mr. Girish K. Naik Thigle, Advocate for Informant
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 22nd APRIL, 2024

PER COURT :

1. Applicants apprehend arrest in C.R. No.524/2023, registered with M.I.D.C. CIDCO Police Station, Chhatrapati Sambhajinagar, for offence punishable under Sections 420, 468, 471, 447 r/w 34 of the Indian Penal Code.

2. Informant maternal uncle of applicant No.1 has lodged FIR alleging that, he and his wife are owners and possessors of 1 Hectare 28 R land of Gut No.25, Mauje Naregaon, Tq. and Dist. Chhatrapati Sambhajinagar. Out of said land he sold 21.31 R land to applicant No.2 proprietor of Bhakti Developers on 23/11/2021, for consideration of Rs.1 Crore and cheque of Rs.1 Crore was also given which was dishonoured. He, therefore, filed civil suit for cancellation of said sale deed. Informant, therefore, claims that since beginning applicants intended to cheat him and therefore, without paying any consideration applicants have obtained sale deed and thereby

cheated him. It is further alleged that informant found certain persons encroaching on 74 R land owned by him. Persons named in the FIR have colluded with applicants and have brought building material on the land owned and possessed by informant. Informant came to know that applicants have represented to those persons that said 74 R land belongs to them and have entered into agreement of sale of said land with the persons named in FIR.

3. Heard learned advocate for applicants, learned APP for respondents/State and learned advocate for informant. Perused the investigation papers.

4. *Prima facie*, the dispute between informant and applicants appears to be of civil nature. Admittedly, Special Civil Suit No.476/2023 is filed by applicants against informant and his wife. Informant has also filed counter claim in the said suit and has sought cancellation of sale deed executed in favour of applicants in respect of 21.31 R land.

5. Learned advocate for applicants has placed on record copy of FIR lodged against applicants by the subsequent purchasers which shows that persons to whom applicants have sold portion of the property out of 74 R land owned by informant, have also lodged complaint against applicants. In the said FIR it is alleged that subsequent purchasers along with applicants had gone to the house

of informant who confirmed that applicant No.1 is his nephew and informant has entered into transaction of sale with applicants.

6. Investigation in present crime pertains to documents executed between the parties and exchanged between them. Since both the parties are already prosecuting civil remedy available to them, nothing is required to be seized from applicants. Applicants are respectful persons in the society and have deep roots. They will not abscond if released on anticipatory bail. Considering the nature of allegations made against them, their pre-trial custodial detention is not necessary.

7. In the result, application is allowed by confirming interim protection granted to applicants by order dated 23/11/2023.

8. Till filing of charge-sheet, applicants shall attend concerned police station as and when called by investigating officer and shall co-operate in the investigation. Applicants shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)