

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2014 OF 2024

Sandip Bajirao Jadhav ... Applicant
Vs.
State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.2919 OF 2024

Mr. Ajit J. Kenjale a/w. Mr. Kaustubh K. Kandpile, Ms. Sai Rajendra Kadam and
Mr. Azharuddin A. Khan for Applicant in ABA.
Mr. Bapu V. Holambe-Patil, APP for Respondent-State.
Mr. Rushikesh C. Barge for Applicant in IA.
Mr. Vijay R. Shingade, ASI, Medha Police Station (Satara District).

CORAM : MANISH PITALE, J.
DATE : OCTOBER 07, 2024

P.C. :

. Heard Mr. Kenjale, learned counsel for the applicant,
Mr. Holambe-Patil, learned APP for the respondent-State, as also
Mr. Barge, learned counsel for the first informant.

2. On 05.08.2024, this Court granted interim order in favour of the
applicant. In paragraph 3 of the said interim order, this Court had
recorded reasons as follows:-

“3. After hearing the learned counsel for the applicant and
the learned APP, this Court is inclined to grant interim relief in
favour of the applicant for the following reasons:

- (a) The statement of the informant shows that
according to him, he was cheated because the
applicant executed sale deeds in the month of
March 2015 for total consideration of Rs.6 lakhs
on the basis of a power of attorney, which
authorized the applicant only to present the
documents. The statement of the informant does
not show as to when he first became aware about

execution of the aforesaid sale deeds.

- (b) In the absence of such information given by the informant and the subject transactions having been executed in the month of March 2015, *prima facie*, there appears to be delay in registering the FIR on 10.06.2024.
- (c) The applicant has come forward with a positive assertion that there is a civil dispute in the background, for the reason that the applicant was a guarantor in a loan taken by the informant from a credit co-operative society. It is alleged that the first informant defaulted, as a consequence of which the applicant, being a guarantor, also received a notice. A dispute arose between the applicant and the first informant because the applicant was insisting upon the informant to repay the entire outstanding loan.
- (d) Alongwith an additional affidavit in the present application, the applicant has annexed certain documents to support the assertion regarding the civil dispute in the background, which is allegedly being sought to be given the colour of criminality. The investigating authority is required to examine the above aspect also.”

3. The learned counsel appearing for the informant has opposed the grant of anticipatory bail to the applicant.

4. This Court is informed that the applicant indeed appeared before the investigating officer on 08.08.2024 and that he has been co-operating with the investigation.

5. The reasons recorded in the interim order, which have been quoted hereinabove, hold good for allowing the application itself, particularly in the backdrop of the fact that the applicant has co-operated with the investigation.

6. In view of the above, the interim order dated 05.08.2024 is confirmed and the application is allowed, subject to the applicant

continuing to co-operate with the investigation. The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses or any other person concerned with the case.

7. The application stands disposed of.

8 In view of the application being allowed, the intervention application is also disposed of.

(MANISH PITALE, J.)

Minal Parab