

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO. 2699 OF 2023
WITH
INTERIM APPLICATION NO. 74 OF 2024**

Shivanand Basvanappa Hagargundgi and
anr.

...Applicants

Versus

The State of Maharashtra

...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 2618 OF 2023
WITH
INTERIM APPLICATION NO. 75 OF 2024**

Mohan Hiromal Sachdev

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Ritesh Thobde, i/b Sagar Tambe, for the Applicant.

Mr. Siddharth Dhavale, through VC for the Applicant in
IA/74/2024.

Mr. Sgar Kursija, for the Intervener – Applicant in
IA/75/2024.

Smt. Mahalakshmi Ganapathy, APP for the State.

CORAM: N. J. JAMADAR, J.

DATED: 19th AUGUST, 2024

PC:-

1. Heard the learned Counsel for the parties.
2. These applications are for pre-arrest bail in connection with CR No.553 of 2023, registered with Sadar Bazar Police Station, Solapur, for the offences punishable under Sections

465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code").

3. By an order dated 14th September, 2023, interim protection was granted to Mohan Sachdev – applicant in ABA/2618/2023 observing *inter alia* as under:

"4. The learned Counsel for the Applicant submitted that the Earnest Note was executed in the year 2013. One of the condition was that the sale deed would be executed after the decision in Regular Appeal No.487 of 2012 and delivery of the possession of the property to the vendor. After the applicant learnt that the possession of the property was delivered to the first informant and other legal heirs of late Anil Jakkal, a legal notice was sent on 11 December 2022, followed by a suit for specific performance being Special Civil Suit No.283 of 2023. To preempt passing of orders in the civil proceedings, the first informant had lodged a false and concocted report.

5. From the perusal of the record, it appears that the Earnest Note, inter alia, records that the transaction of sale would be completed within six months from the delivery of possession of the property. It further appears that seeking enforcement of the rights under the Earnest Note, the applicant had issued a legal notice on 11 December 2022, and also instituted a suit for specific performance before the FIR came to be lodged."

4. By an order dated 26th September, 2023, interim protection was granted to the applicants in ABA/2699/2023 as they were stated to be the witnesses to the Earnest Note which was allegedly executed in favour of Mohan Sachdev, the principal accused.

5. The learned Counsel for the applicants submits that the applicants have appeared before the Investigating Officer

and cooperated with the investigation. The learned APP submits that, according to her instructions, charge-sheet has been lodged on 7th June, 2024.

6. In view of the aforesaid development, and for the reasons, which weighed with this Court in granting interim bail, the aforesaid orders of interim bail deserve to be made absolute.

7. Hence the following order:

: O R D E R :

(i) Order of interim bail dated 14th September, 2023 in ABA/2618/2023 is made absolute on the terms and conditions incorporated therein.

(ii) Order of interim bail dated 26th September, 2023 in ABA/2699/2023 is made absolute on the terms and conditions incorporated therein.

(iii) The applicants shall regularly attend the proceedings before the jurisdictional court.

(iv) It is clarified that these *prima facie* observations are confined to determine entitlement to pre-arrest bail only.

Applications disposed.

In view of disposal of ABA/2699/2023 and ABA/2618/2023, IA/74/2024 and IA/75/2024 stand disposed.

[N. J. JAMADAR, J.]