

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

ANTICIPATORY BAIL APPLICATION NO. 3642 OF 2023

Ashwini Shivaji Hinge & Anr.

..Applicants

Versus

State of Maharashtra

..Respondent

Mr. Debajyoti Talukdar for Applicants.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 03 JANUARY 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.1511 of 2023 dated 05.10.2023 registered at Hadapsar Police Station, Pune city, under sections 467, 468, 471, 420 and 120B r/w. 34 of the Indian Penal Code.

2. Heard Mr. Debajyoti Talukdar, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The F.I.R. is lodged by one Samir Pawar. Gist of the F.I.R. is that, one Borate family sold the land admeasuring 652 Sq.mtrs. Situated at Hadapsar, survey No.27, Hissa No.4A/1 to

Siddhi Vinayak construction. A building was constructed and as of today there is co-operative society of the residents of that building. It is further mentioned in the F.I.R. that, some part of the same land was sold by the same Borate family to the present applicants. Both of them are creating disturbance in the peaceful possession of the society. The F.I.R. was lodged on the allegation that the present applicants in collusion with Borate family had entered into a fraudulent transaction.

4. Learned counsel for the applicants submitted that the present applicants are bonafide purchasers of the land and she they have nothing to do with the earlier transaction between Borate family and Siddhi Vinayak construction. In fact, the applicants are the victims in the entire transaction. He further submitted that the applicants have co-operated with the investigation. Both the applicants are willing to handover the original document to the police, if needed, during the investigation.

5. Learned APP, on instructions, stated that, both the applicants have co-operated with the investigation. The certified

copy of the sale deed in question is already obtained from the Sub Registrar's office.

6. I have considered these submissions. I find substance in the submission made by the learned counsel for the applicants. Both the applicants have shown their willingness to co-operate with the investigation and to produce all the necessary documents. Learned APP, on instructions, submitted that both the applicants have co-operated with the investigation. Therefore, in this background, there is no necessity of custodial interrogation of the applicants. Both the applicants can be granted anticipatory bail U/s.438 of the Cr.p.c.

7. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.1511 of 2023 registered at Hadapsar Police Station, Pune city, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

- (ii) The applicant shall cooperate with the investigation.
- (v) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)