

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

ANTICIPATORY BAIL APPLICATION NO. 2730 OF 2024

1. Dr. Durgesh Prakash Sonawane
 2. Prakash Maruti Sonawane
- ...Applicants

Versus

The State of Maharashtra

...Respondent

- Mr. Arun Shejwal, for Applicant.
- Ms. Rutuja A. Ambekar, APP for Respondent No.1.
- Mr. Sachin H. Deokar a/w Mr. Vignesh Ashokan, for Respondent No.2.

CORAM : MANISH PITALE, J.

DATE : 08th OCTOBER, 2024.

P. C. :

1. Heard, Mr. Shejwal, learned counsel for the applicants and Ms. Ambekar, learned APP for respondent – State, as also Mr. Deokar, learned counsel having instructions to appear on behalf of respondent No.2 (First Informant).

2. The FIR in the present case is registered on the grievance of the respondent No.2 that the applicants accepted certain amount from him in the context of a registered deed of assignment dated 28.04.2022, whereby the applicants had agreed to sell a flat to respondent No.2. It is stated that the respondent No.2 claimed that further amount of ₹ 50,000/- was taken from him, as the applicants informed that the amount would have to be transferred to the society in which the flat was located for obtaining No Objection

Certificate (NOC). It is further alleged that the NOC was a forged document and therefore, the informant was cheated. It was further claimed that in the meanwhile, the applicants also sold the very same flat to another party, thereby cheating the respondent No.2.

3. The learned counsel for the applicants has invited attention of this Court to the contents of the aforesaid deed of assignment, as also a specific letter dated 26.08.2023, issued by the very same secretary of the society, who has stated that he had indeed issued the NOC dated 26.04.2022. *Prima facie*, the aforesaid document indicates that the allegation regarding forgery of the NOC appears to be unsustainable. The other allegation pertains to the very same flat being sold to another party. In that context, the learned counsel for the applicants has relied upon a legal notice dated 11.10.2022 issued to the respondent No.2, whereby the applicants had called upon the respondent No.2 to cancel the registered deed of assignment. Attention of this Court is also invited to a Civil Suit bearing Special Civil Suit No.1602 of 2023, already filed by the respondent No.2 alongwith his wife against the applicants before the Competent Civil Court at Pune, seeking specific performance of the registered deed of assignment.

4. Although the learned APP and the learned counsel having instructions to appear on behalf of respondent No.2 have vehemently opposed

the prayers made in the present application, this Court is of the opinion that till such time that the investigation papers are produced before this Court and the respondent No.2 files reply affidavit alongwith documents, the applicants have made out a case for granting interim relief.

5. *Prima facie*, the allegation pertaining to forgery does not appear to be sustainable in respect of the NOC issued by the secretary of the society and in the light of the pending civil suit, it can be said that the dispute between the parties is essentially of a civil nature.

6. In view of the above, there shall be interim order in the following terms :

(A) Till the next date of listing, in the event the applicants are arrested in connection with FIR No.0612 of 2023, dated 05.09.2023, registered at Police Station Yerwada, District Pune, they shall be released on bail, on furnishing PR Bonds of ₹ 50,000/- each one or two sureties in the like amount, to the satisfaction of the Trial Court.

(B) The applicants shall remain present before the Investigating Officer on 10th October, 2024 between 10:00 a.m. and 12:00 noon and thereafter as and when called by the Investigating Officer.

(C) The applicant shall cooperate with the investigation and produce such documents as are in their possession, which may be demanded by the Investigating Officer.

(D) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.

7. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

8. List the application for further consideration on **18th November, 2024, “High on Board.”**

(MANISH PITALE, J.)