

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1341 OF 2024

Maruti Ankush Virkar

... Appellant

Versus

The State of Maharashtra and Anr

... Respondents

Mr. Chintamani K. Bhangoji *for the Appellant.*

Mr. Ajay Patil, *APP for Respondent No.1-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 20 JANUARY 2025.

P.C. :

- 1) Heard the learned counsel appearing for the Appellant.
- 2) Issue notice to Respondent No.2, returnable on **17 February 2025**. The Investigating Officer shall record statement of Respondent No. 2, as to whether she desires to engage private Advocate of her choice or to avail services of Legal Aid Panel Advocate. The statement shall be produced before the Court on the next date of hearing.
- 3) *Prima facie*, it appears that the Sale Deed in question is executed on 29 May 2010, whereas the FIR is lodged on 25 May 2024. Before lodging FIR the Complainant apparently filed Special Civil Suit No. 25 of 2018 for cancellation of the Sale Deed and the said suit has been dismissed in default on 26 September 2023. The

Complainant appears to have initiated civil proceedings for cancellation of the Sale Deed. She initially filed a private complaint before the Court of Metropolitan Magistrate, 60th Court, Kurla, which was withdrawn on 5 July 2023. Ten months after withdrawal of the said private complaint, Respondent No.2 has lodged FIR dated 25 May 2024. It appears that this Court has already granted interim protection in favour of Accused No.7 (Amol Sahebrao Raut) who is shown to have identified of the Complainant on the Sale deed. In that view of the matter, Appellant deserves to be protected till Respondent No.2 puts in her appearance.

4) Till the next date of hearing, in the event of arrest of Appellants in connection with C.R. No. 234 of 2024 registered with Dahiwadi Police Station, Dist. Satara for offences punishable under Sections 420, 465, 467, 468 and 471 r/w 34 of the Indian Penal Code 1860 and under Sections 3(1)(f), 3(2)(V) and 6 of the SC & ST Act., he shall be released on interim bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two solvent sureties in the like amount.

5) Appellant shall remain present before the Investigating Officer on 3 and 4 February 2025 between 11.00 a.m. to 2.00 p.m. and shall co-operate with the investigations.

6) Appellant shall not contact the Complainant or any other witnesses associated with the case nor shall tamper with the evidence.

[SANDEEP V. MARNE, J.]