

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 396 OF 2015

Vinit Narendra Patel	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

ANTICIPATORY BAIL APPLICATION NO. 446 OF 2015

Santosh Shivram Bhoir	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

ANTICIPATORY BAIL APPLICATION NO. 416 OF 2015

Anil Ladge	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Sanjay S. Patil, Advocate for the applicant in ABA/446/2015.
Mr. Ram Upadhyay a/w. Ms. Apala Upadhyay i/b. Law Competere
Consultus, Advocate for the applicants in ABA/396/2015 and
ABA/416/2015.
Ms. Veera Shinde, APP for the State in all the matters.

CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 7th April, 2015.

P.C.

These three Applications for anticipatory bail are disposed of by a common order, as all these three applicants/accused are involved in the same C.R. and are facing charges under sections 419, 420, 465, 467, 471 r/w. 34 of the Indian Penal Code. One Beena Ravikant Chelekar gave information on 10th December, 2014 to Neral police Station, pursuant to which an offence was registered at C.R. No. 102 of 2014.

2. It is the case of the prosecution that the complainant-Beena is the daughter of Late Sushilabai Jadhav, who inherited the land from her mother situated at Mauje Dhamote, Taluka Karjat, Dist. Raigad. Her mother Sushilabai received the said land from her father Narhari Jadhav. Beena's brother Sanjay Jadhav is absconding and therefore, her name is not entered in the revenue record, however, she is in possession of the said land and has right in the said property. She looks after the property. On 19th November, 2014 she came across a public notice of Advocate Satish Dayre that a land is purchased by one Vinit Patel of Dombivali for Rs.1,50,00,000/- from Sushilabai Jadhav. After going through the details of the property, she realized that it was the property owned by her mother. When she enquired about the matter by contacting Advocate Satish Dayre, she came to know that a bogus lady, taking the name of her mother, along with the agent had entered into MOU in respect of the said land and by executing MOU in the name of her mother, some rights is created in respect of the said land in favour of Vinit Patel. She found that a fraud is played on her and therefore, she gave the complaint.

3. The learned counsel for the applicant in Anticipatory Bail Application No. 446 of 2015 has submitted that the applicant Santosh Bhoir is innocent. He has only introduced Sushilabai as a owner of the land to Vinit Patel, as Sushilabai is brought to him by one Ganpat Patil, who is also an agent and Ganpat Patil is mainly responsible for the

impersonation and bringing fictitious Sushilabai. He has acted bonafide. He further submitted that after realizing that complainant Beena has approached the police, he also gave a complaint letter to police on 4th December, 2014 informing about the role played by Ganpat Patil and said fake Sushilabai. Therefore, the applicant Santosh Bhoir be given pre-arrest protection

4. The learned counsel for the applicant in Anticipatory Bail Application No. 416 of 2015 has submitted that applicant Anil Ladge was working as a peon with co-accused Vinit Patel and he has only signed the MOU, as advocate told him to sign and identify Vinit Patel. He submitted that the applicant has identified Vinit Patel. He further submitted that applicant Anil Ladge is innocent and, therefore, he be protected by pre-arrest bail.

5. The learned counsel for the applicant in Anticipatory Bail Application No. 396 of 2015 submitted that applicant Vinit Patel is a businessman. He is a builder and wanted to buy a land for development, therefore, he entered into MOU, as Sushilabai contacted him through agent. He paid Rs.51,000/- towards the earnest money and after entering into MOU, he contacted an advocate and asked him to give advertisement of this transaction that he is an intended purchaser. This shows his bonafide that he wanted to make the transaction public. Therefore, the

applicant Vinit Patel be given pre-arrest bail.

6. Learned APP produced the papers of investigation. She relied on the statement of the witnesses. She submitted that this is a case of forgery and all the documents were bogus. The police wants custody of all these accused to find out who are Sushilabai and Ganpat Patil. These persons might be fictitious and the role of these applicants/accused is shown on the basis of the evidence collected by the police.

7. Perused the FIR. The offence of forgery and cheating is committed in respect of the said land. The record discloses that at the time of notarizing MOU, fake Pancard, Ration card and other documents were produced to establish the identity of Sushilabai, who is fictitious person. Ganpat Patil and Sushilabai are the main persons who are absconding. However, the statement of Advocate Satish Dayre recorded on 13th December, 2014 discloses that Vinit Patel is his client who asked to publish the notice in respect of transaction of the land. He knew Santosh Bhoir and Anil Ladge as an agent and he has also stated that he has perused that document made before notary. Considering this, the custodial interrogations of Santosh Bhoir and Anil Ladge, who acted as agent, are required to trace out absconding Sushilabai and Ganpat Patil and also to know how the forged documents were prepared. Hence, Applications for anticipatory bail qua Santosh Bhoir and Anil Ladge are rejected. However,

I am inclined to grant pre-arrest bail to the applicant/accused Vinit Patel, as *prima facie* he appears to be bonafide purchaser at this stage, on the following terms and conditions:

ORDER

- (i) In the event of arrest, the applicant/accused Vinit Patel be enlarged on bail on furnishing P.R. Bond in a sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant/accused shall not tamper with the evidence.
- (iii) The applicant/accused shall not indulge into any criminal activity.
- (iv) The applicant/accused Vinit Patel shall attend the concerned police station on every Monday between 4 p.m. to 6 p.m. for one month and shall cooperate the investigating officer.

8. The Applications for anticipatory bail stand disposed of on above terms.

(MRS.MRIDULA BHATKAR, J.)