

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 575 OF 2015

Mr. Prashant Vijay Shinde	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Niranjan Mundargi, Advocate, for the applicant.
Ms. P.P.Shinde, APP, for the State
Mr. Sheetal Kumar Gaikwad, PSI, Borivli Police Station present.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 23rd June, 2015.

P.C.

Heard the learned counsel for the applicant and the learned
APP.

2. The applicant apprehends his arrest in Crime No.30 of 2015 registered at Borivli Police Station on 13.1.2015 for the offence punishable under Sections 420, 465, 467, 468, 471 read with Section 34 of IPC.

3. It is the case of the prosecution that on 13.1.2015, one Mr. Rughani lodged a report at the Borivali Police Station alleging therein that a misrepresentation was made by Sachin Patkar and Bhagwatilal by

informing him that they have a plot of land bearing No. 367/6 at Naigaon admeasuring about 4490 sq. m. That Bhagwatilal and Patkar have shown him the land and had also shown him the papers of the protected tenant. Thereafter, on 11.8.2014, he was shown the land by Bhagwatilal and Sachin Patkar and the papers showing the ownership of the land. He had given notice in the leading newspapers. Thereafter, pursuant to the said notice, one Advocate Shri Jignesh Shah had contacted him on 1.9.2014 and had informed him that the owner of the land is Anil Gupta and Shankar Bhoir and that they are in possession of the said land. He had then contacted Sachin Patkar and Bhagwatilal. He had shown the letter to them. By then, he had already paid Rs.10,11,000/-. The said payment was made by cheque and the amount was transferred in the account of Sachin Patkar. Perusal of the FIR shows that in the concluding paragraph of the FIR there is a reference to the present applicant.

4. The learned APP fairly submits that the CDR details nowhere indicate that the applicant contacted the complainant on any given date.

5. Perused the statements of the witnesses. None of the witnesses had referred to any involvement of the present applicant except the

employee of the complainant. The employee of the complainant has only stated that his employer has been cheated by Sachin Patkar, Bhagwatilal and the present applicant.

6. By an order dated 23.4.2015, the applicant was granted interim protection by this Court (Coram : Revati Mohite Dere, J.) and the Court had directed the police not to arrest the applicant till the next date. The applicant was given the attendance to the police. The learned APP submits that the applicant has complied with the said orders.

7. Prima facie, it appears to be a case of no evidence. However, the observations made hereinabove shall not be considered for the purpose of quashing of FIR, discharge application or at the time of trial.

ORDER

(i) In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when called.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)