IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.693 OF 2016

Sudham Rabhaji Shelke ... Applicant
vs.
The State of Maharashtra ... Respondent

Mr. Arun Rajput i/b. Mrs. Anjali Patil, for the Applicant.
Mrs. Geeta Mulekar, APP for Respondent – State.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **4th MAY, 2016**

P.C.:

. The application is moved for pre arrest bail as the applicant/accused is facing charges for the offences punishable under Sections 420, 471, 470, 465 and 467 read with 34 of the Indian Penal Code in C.R. No.188 of 2016 registered with Juhu police station, Mumbai. The offence is registered at the instance of one Shantilal Nagda on 12th March, 2016.

2. It is the case of the complainant that in December, 2010 he wanted to buy the land. At that time, his family friend one Suresh Mehta (deceased) introduced him with the applicant/accused and the

co-accused Balkrishna Uttekar. They showed him a land and promised to sale 200 acre land for Rs. 50,000/- per acre and thus it was agreed that the complainant and his family will pay Rs. 1 Crore for 200 acre land. Thereafter, Rs. 55 lacs were deposited in the account of co-accused Balkrishna Uttekar in his S.B.I. Account, Wakan by the complainant. It is the case of the complainant that time to time 23 sale deeds were executed through the applicant/accused who was the earlier power of attorney. It is the case of the prosecution that from 2011 to 2012 he paid nearly 80 lacs by cash and through R.T.G.S. transfer to the applicant/accused and co-accused for purchase of land. However, they realized that the lands which are subject matter of the sale deeds are not having clear title and the 7/12 extracts which are found on the Internet and 7/12 extracts from executed deeds are different.

3. The learned counsel for the applicant/accused submits that the applicant/accused is innocent. He has not committed any offence. The deceased Suresh Mehta is the only responsible person. He submits that co-accused Balkrishna Uttekar is the main culprit. The applicant/accused has no role in this offence.

4. The learned prosecutor oppose the application and relied on the statements of the witnesses who have stated that Rs. 10 lacs was paid to the applicant/accused towards purchase of land. She submits that the custody of the applicant/accused is required for effective investigation.

5. Perused the first information report and other documents. It appears that the applicant/accused *prima facie* committed the offence of cheating and forgery for which his custodial interrogation is necessary. Hence, I am not inclined to grant pre arrest bail to the applicant/accused. Hence, the anticipatory bail application stands rejected.

(MRIDULA BHATKAR, J.)