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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1044 OF 2016

Ramesh Bhimrao narayankar	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. Santosh S. Musale, for the Applicant.
Mr. Deepak Thakery, APP for the Respondent State.

CORAM : A. M. BADAR, J.

DATE : 5th JULY, 2016.

P.C. :

1. The applicant/accused, in C.R. No.70 o 2016, for offence punishable under Sections 420, 471, 467 read with 34 of the Indian Penal Code, registered with police station Manchar, District: Pune, by this application seeks pre-arrest bail.
2. Heard the learned counsel for applicant. He submits that even prior to registration of F.I.R., he as well as his wife has lodged report to the police station, Manchar on 10.3.2016 alleging that they are cheated by Bapu Namdeo Rokade cousin of informant Asha Phulpagar, in the matter of sale of land. The learned counsel for applicant argued that the applicant is bonafide purchaser and he was not personally knowing the

owner of the land purchased by him.

3. The learned APP opposed the application by contending that the offence is serious and there is cheating by impersonation to the informant.

4. Perused the F.I.R. lodged by Asha Phulpagar, resident of Mumbai. She alleged that she is owner of 2.5 gunthas of survey No.449 of village Awasari, Tal. Ambegaon, District: Pune. She further averred in her F.I.R. that her step brother Bapu Rokae/co-accused had sold the land owned by her by setting up another woman for executing sale deed in her name. Present applicant and his wife Smita Narayankar are the purchasers of the said land. It is seen that the sale deed came to be executed on 23.12.2015 and the same is registered on 23.12.2015.

5. It is seen that prior to lodging this F.I.R. on 12.5.2016, on 10.3.2016 itself present applicant and his wife have lodged report to police station at Manchar, stating that they have been cheated by Bapu Rokade in the transaction of sale of the land. The applicant and his wife further averred in the said report that they are willing to cancel the sale deed on getting payment of amount paid by them. Prima facie it appears that present applicant has bonafidely believed in version of Bapu Rokade and agreed to purchase the land owned by informant Asha Phulpagar. It is seen from the case diary that Asha Phulpagar is resident of Kannamwar

Nagar, Vikroli, Mumbai. As such prima facie it appears that the present applicant may not be knowing her. It appears that the co-accused has set up somebody else as informant Asha Phulpagar and got sale deed executed.

6. In this view of the matter, the custodial interrogation of the present applicant is not warranted and therefore, the following order.

Order

- I) Application is allowed.
- II) The interim order dated 23.6.2016 is confirmed on the same terms and conditions.

[A. M. BADAR, J.]