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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1344 OF 2016

Shailesh Baburao Kumavat and Ors.	..Applicants.
V/s.	
State of Maharashtra	..Respondent.

Mr.Amey Deshpande for applicants.

Mr.Deepak Thakre, APP for respondent-State.

CORAM : A.M.BADAR, J.

DATED : 10TH AUGUST, 2016

P.C. :-

1. Applicants / accused in Crime No.I-181/2016 for the offences punishable under section 365 and 506 read with 34 of the Indian Penal Code registered Ambad Police Station, District Nashik by this application are praying for pre-arrest bail.

2. Heard the learned counsel for the applicant as well as the learned APP. The learned APP pointed out that statements of the witnesses who were attesting witnesses to the sale deed are not in tune with the statements of informant

and family members of the Ghule family.

3. Perused the F.I.R. Informant Komal Ghule is the daughter of Dinkar Baburao Ghule. According to the informant, her family is owner of house property at N-53-VE-11/8, Patil Nagar Trimurti Chowk, CIDCO, Nashik. The informant averred that she and her entire family was abducted by present applicants. They were taken to various places and applicants wrongfully confined them. Applicants then told the members of the family to execute the sale deed of their residential house in favour of applicant No.1 Shailesh Kumavat. The averments in the F.I.R. shows that the family members of the informant so also the informant were taken to village Matori and thereafter to Shegaon and ultimately, they were released. In the meanwhile, according to the informant, the sale deed of their house property was got forcibly executed from her father Dinkar Ghule.

4. It is apparent from the agreement of sale deed dated 29th July, 2015 that Dinkar Ghule had agreed to sell his entire house property to applicant No.1 Shailesh Kumavat for a valuable consideration of Rs.10 lakhs. Out of that, at the

time of agreement, Rs.7.5 lakhs were paid by cheque. Thereafter, a sale deed came to be executed on 20th June, 2016 by Dinkar Ghule in favour of applicant No.1 Shailesh Ghule. Both these deeds are registered with the Sub-Registrar, Nashik. At the time of executing the conveyance, cheque for Rs.2.50 lakhs was handed over to the seller. It is seen that the said cheque was encashed by Dinkar Ghule on 2nd July, 2016. It was thereafter that the F.I.R. came to be lodged against present applicants on 8th July, 2016. It is also seen that on 8th July, 2015 Dinkar Ghule had applied to the CIDCO for permission to transfer the house in favour of applicant No.1 Shailesh Kumavat. On 29th July, 2015 the Administrator of CIDCO was pleased to inform Dinkar Ghule that permission to transfer the house property is granted subject to fulfillment of conditions mentioned in the said letter. This document is anti litem motem speaks volumes. In fact, on executing an agreement to sell the house property, after about one year, conveyance deed came to be executed in favour of applicant No.1 Shailesh Kumavat. This was done after complying necessary formalities. After realizing the entire amount of consideration, the F.I.R. came to be lodged against the purchasers and others. In this view of the matter, the

custodial interrogation of applicants is not warranted and, therefore, the order :-

- (i) The application is allowed;
- (ii) In the event of arrest of applicants / accused in Crime No.I-181/2016 for the offences punishable under section 365 and 506 read with 34 of the Indian Penal Code registered Ambad Police Station, District Nashik, they be released on bail on executing P.R. bonds in the sum of Rs.15,000/- with one or more surety in the like amount;
- (iii) As a condition of this order, applicants / accused shall attend Ambad Police Station, District Nashik on 28th August, 2016 between 11.00 a.m. to 1.00 p.m. and shall co-operate with the Investigating Officer;
- (iv) Applicants / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against them so as to dissuade him / her from disclosing such facts either to the Court or to any police officer and that they shall

not tamper with the evidence;

- (v) Applicants / accused shall co-operate for expeditious disposal of the trial, if any;
- (vi) Applicants / accused shall not commit an offence similar to the offence of which they are accused or suspected of commission;
- (vii) The application is disposed of accordingly.

(A.M.BADAR, J.)