

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1391 OF 2016

1.	Mr. Dilip Jawaharlal Varyani	)	
2.	Mr. Haresh Gurmukhdas Ahuja	)..	Applicants
	vs.		
	State of Maharashtra & Anr.	..	Respondent

Mr. M.S.Mohite i/b Mr. R.N. Kachave, Advocate for the applicants.
Mr. S.S.Pednekar, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 29th August, 2016.

P.C.

1. Heard. This is an application under Section 438 of Cr.P.C. The applicants herein are apprehending their arrest in Crime No.129 of 2016 registered at Dehu Road Police Station, Pune, for the offences punishable under Sections 420, 463, 464, 465, 468, 471, 120B read with Section 34 of IPC.

2. It is the case of the prosecution that the present applicants had purchased a land from Jatin Arora vide a registered sale deed dated 26.6.2013. It is the case of the prosecution that in fact, Jatin Arora happens to be the owner of the land Survey No.35, Part-6B and 7B, situated at

village Kiwale, Tal. Haveli, Dist. Pune. on the basis of the forged sale deed and that he did not have title over the said land.

3. The learned counsel for the applicants has submitted before the Court that the present applicants had entered into an agreement for sale. Thereafter, a public notice was given and after following due procedure of law, the land was purchased by the present applicants.

4. The learned APP submits that the Investigating Officer has been changed and therefore the investigation in the present case has started once again from the initial stage.

5. The learned counsel for the applicants submits that the applicants had no knowledge that Jatin Arora did not have a better title since there was no response to the public notice given by the present applicants nor there was any objection to the Record of Rights in favour of Jatin Arora and hence they had followed the due procedure. In view of this the custodial interrogation would be imperative. The applicant deserves pre-arrest bail on certain conditions.

6. The above observations are prima facie in nature and the learned Sessions Court shall not be influenced by the same at the time of quashing of FIR, discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) In the event of their arrest, the applicants be enlarged on bail on each furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicants shall report to the Investigating Officer on every Monday and Thursday between 10 a.m. to 12 noon for a period of three weeks and co-operate with the investigation to the best of their capacity. Thereafter, the applicants shall report to the Investigating Officer as and when called by giving notice under Section 160 of Cr.P.C.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)