

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.354 OF 2017

Krishnat @ Pintu Hindurao Khot Applicant

versus

State of Maharashtra ... Respondent

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- Mr.Ganesh K. Gole, Advocate for the Applicant.
- Mr.S.S. Hulke, APP for the State/Respondent.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 03rd MARCH, 2017.**

P.C. :

1. This application is moved for pre-arrest bail by the applicant/accused. The applicant/accused is prosecuted for the offences punishable under sections 255, 420, 465, 466, 467, 468, 471, 474, 484, 485, 447, 201, 504, 506 r/w 34 of the Indian Penal Code in C.R.No.155/16 of Ichalkaranji Police Station, Kolhapur. The offence is registered on the information given by of Babasaheb Hanif Mohite on 04/08/2016 about fraud played on him.

2. It is the case of complainant that he had purchased 9 Gunthas of land on 15/03/2010 situate near Ichalkaraji-Sangli Road, in the name of his wife Nurjahan. The name was Nurjahan was entered in the revenue record of the said land. However, on 12/07/2016 he received message that some persons namely Sayyed Gafari, Manoj Nikam and his associates are trying to put compound his plot. Therefore he rushed to the plot and he found there co-accused Manoj Nikam and Sayyed Gafari. So when complainant questioned about it, they abused the complainant and Manoj Nikam showed him 7/12 extract, wherein name of Nurjahan was deleted and name of Manoj Nikam was entered. Therefore the complainant made enquiry about this change of entry and received information that a bogus sale deed was executed in the name of his wife Nurjahan in respect of said land in favour of one Manoj Nikam and accordingly the entry of principal accused Manoj Nikam was entered in the revenue record of the said land. The photo of his wife Nurjahan and her signatures were found forged. So also the stamp paper, registration paper, everything was found bogus. It

is the case of prosecution that thereafter the said plot was sold through the applicant/accused who represented as an Estate Agent to Sayyed Gafari, who purchased the said land by executing registered sale deed dated 11/07/2016 for Rs.18,50,000/- with Manoj Nikam and therefore he gave complaint.

3. The learned counsel for the applicant/accused submitted that the applicant/accused is innocent. He has not committed any offence of cheating or forgery. He submitted that the role attributed the applicant/accused is of Estate Agent or a middleman who approached Sayyed Gafari for the sale of the plot which stood in the name of Nurjahan. He further submitted that at the time of registration of documents he introduced Manoj Nikam and therefore the applicant/accused is involved in the present case. The learned counsel for the applicant/accused further submitted that the applicant/accused did not receive his brokerage though he acted as an Estate Agent. There is no evidence against the applicant/accused and therefore he be granted pre-arrest bail.

4. The learned prosecutor opposed bail application and submitted that it is an offence of forgery and cheating. The applicant/accused has introduced the main perpetrator i.e. Manoj Nikam in the office of Registration at the time of registration of the documents. The learned prosecutor submits that police have clues that the applicant/accused was aware that the said plot in fact does not belong to Manoj Nikam and Manoj Nikam has entered his name fraudulently in the revenue record. Despite of this he has sold that plot to Sayyed Gafari. Hence his custody is required.

5. Perused the FIR and the documents which are placed before me. There is no such evidence against the applicant/accused as on today that the applicant/accused has played active role in preparing sale deed between Nurjahan and Manoj Nikam and also committed any offence of forgery or preparation of getting the name of Manoj Nikam entered in the revenue record in respect of the said land. It appears that the

transaction between Sayyed Gafari and Manoj Nikam is bonafide where Sayyed Gafari believed that the Manoj Nikam is a genuine owner of the said plot. The applicant/accused has introduced Manoj Nikam before the office of Registration. Manoj Nikam is not a fictitious person and it is the applicant/accused that he knew Manoj Nikam and therefore prima facie it appears that the applicant/accused is not played any active role of forgery or fraud. In view of the evidence which is placed before this Court and the submissions of both the counsel, interim pre-arrest bail is granted to the applicant/accused on the following terms:

ORDER

- (i) In the event of arrest, the applicant/accused shall be released on bail upon furnishing P.R. Bond in the sum of Rs.20,000/- with one or two solvent sureties in the like amount.
- (ii) The applicant/accused shall cooperate with the Investigating Officer and attend the concerned police station on every Tuesday between 06.00 p.m. to 08.00 p.m. till 30/04/2017.

- (iii) The applicant/accused shall not tamper with the evidence or pressurize the complainant.
- (iv) The applicant/accused shall not indulge into any criminal activity.

6. The application stands disposed of on above terms.

(MRIDULA BHATKAR, J.)