IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.433 OF 2017

Deepak Narayan Sonkawade ... Applicant
Vs.
The State of Maharashtra … Respondent

with
ANTICIPATORY BAIL APPLICATION NO.434 OF 2017

Deepak Narayan Sonkawade ... Applicant
Vs.
The State of Maharashtra … Respondent

with
ANTICIPATORY BAIL APPLICATION NO.435 OF 2017

Deepak Narayan Sonkawade ... Applicant
Vs.
The State of Maharashtra … Respondent

with
ANTICIPATORY BAIL APPLICATION NO.436 OF 2017

Deepak Narayan Sonkawade ... Applicant
Vs.
The State of Maharashtra … Respondent

Mr.P.G. Sarda for the Applicants in all ABAs
Ms.S.S. Kaushik, APP, for Respondent – State in ABA/433/2017
Mr.Prashant Jadhav, APP, for Respondent – State in ABA/434/2017
Mr.Rajan Salvi, APP, for Respondent – State in ABA/435/2017
Mr.Y.M. Nakhwa, APP, for Respondent – State in ABA/436/2017
Mr.J.S. Salunkhe, API, Faujdar Chawdi Police Station, Solapur City – present

CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: MARCH 17, 2017

P.C. :

1. In all these applications, the applicant/accused is the same and is facing similar charges though they are registered separately and hence, these applications are decided by this common order.

2. The applicant/accused alongwith his nephew Amol Sonkawade are partners in one Swapnil Associates at Solapur, which deals in land transactions. The applicant/accused, as per the case of the prosecution, had advertised for sale of plots at Salgarwadi, Solapur, and a number of persons contacted the applicant/accused and the co-accused Amol Sonkawade. They booked the plots and paid amounts. Either the possession was not given or the sale deed was not executed and a number of purchasers found that the applicant/accused and the co-accused have sold the same plots to other persons and thus, it is a case of double or triple sale of the same plots to different people. Thus, the applicant/accused sold the plots to the informants which were already sold to others. The details of the cases in the applications are as follows:

ABA No.	Name of the Complainant and date of Complaint	C.R No.	Offences	Amont paid (Rs.)	Period of transaction
433 of 2017	Nassir Ahmed Abdul Kadar Dongri 15.1.2017	34 of 2017	417, 420, 423, 34 of the Indian Penal Code	6,57,200/-	July 2013 to December 2013
434 of 2017	Nitin Rajendraprasad Mishra 15.1.2017	33 of 2017	417, 420, 423, 34 of the Indian Penal Code	7,30,000/-	March 2013 to March, 2014
435 of 2017	Prakash Arun Pore 16.1.2017	40 of 2017	417, 420, 423, 34 of the Indian Penal Code	5,00,000/-	January, 2014 to February, 2014
436 of 2017	Ravindra Govindrao Kulkarni 15.1.2017	35 of 2017	417, 420, 423, 34 of the Indian Penal Code	655,111/-	16.10.2013 to 10.8.2015

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused is in the business of land dealings and wants to give the plot amounts to the informants. He is interested in settling the matter and is in the process of the same. The learned Counsel further submitted that, as per the case of the prosecution, 34 persons have come forward and have made grievance of double transactions, the applicant/accused and the co-accused have settled the matter with 20 persons. He submitted that these are business transactions and no case of cheating or any other offence is made out. He further submitted that the first

informants have not stated anything against the present applicant/accused Deepak Sonkawade but the main allegations are made against the co-accused Amol Sonkawade and hence, the applicant/accused be granted pre-arrest bail.

4. Learned Prosecutors have opposed all the applications and submitted that the applicant/accused has cheated many persons. They submitted that till today, the police have received complaints from 34 persons who have either independently lodged cases or have offered themselves as witnesses. It is further submitted that the applicant/accused, being a partner in Swapnil Associates, has also participated in these transactions. He was not a passive observer but was an active participant. They also submitted that the co-accused Amol Sonkawade is absconding and the cheques given by him have bounced. In view of this, they submitted that custody of the applicant/accused is required.

5. Perused all the FIRs and the documents produced herewith. It appears from the FIRs of Nassir Ahmed Abdul Kadar Dongri and Ravindra Govindrao Kulkarni that they booked plot No.56 by agreement of sale on 4.11.2013, however, both these applicants/accused signed consent terms with one Vaibhav

Barbade and others on 11.4.2015 and the same plot was offered to Vaibha Barbade in the consent terms before the Court. Four months thereafter, the same plot was sold to Ravindra Govindrao Kulkarni by the applicant/accused by a registered sale deed dated 10.8.2015 for Rs.6,55,200/-. Similarly, in the case of Nassir Ahmed Abdul Kadar Dongri, the applicant/accused executed a registered sale deed of one plot No.159 with Nassir Ahmed Abdul Kadar Dongri and the same plot was offered to Vaibhav Barbade and others in consent terms dated 11.4.2015 filed before the Court and thus, he was cheated for Rs.6,57,222/-.

6. As per the case of the prosecution, there are 34 such double transactions which have taken place. Considering the large number of such double or triple transactions, *prima facie*, I am of the view that it is a case of cheating and hence, pre-arrest bail cannot be granted to the applicant/accused.

7. Thus, all the Anticipatory Bail Applications are rejected.

(MRIDULA BHATKAR, J.)