IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1160 OF 2017

Shri. Santosh Manjre .... **Applicant**
V/s.
The State of Maharashtra .... **Respondent**

Mr. M.A. Chaudhari for the Applicant.
Ms. A.A. Takalkar, APP for the Respondent – State.
Mr. Mahesh Vaswani, i/by Salunke & Co. for the Intervener.

CORAM : A.S.GADKARI, J.
DATE : 13th DECEMBER 2017

P.C.:

. By the present application under Section 438 of Cr.P.C., the applicant is seeking pre-arrest bail in CR.No.61 of 2017 dated 05.04.2017 registered with Gowandi Police Station, Mumbai under Section 420 r/w 34 of the Indian Penal Code.

2. Heard the learned Counsel for the applicant, the learned Counsel for the intervener and the learned APP. Perused the record of investigation.

3. The first information report is lodged by Shri. Khushalchand R. Punekar. It is the case of the prosecution in nutshell that, the applicant in

connivance with co-accused Smt. Vanmala Kharat and her husband Shri. Yuvraj Kharat represented the first informant that they are having excellent relations with the higher Authority in Mantralaya, Mumbai and that a plot of land admeasuring about 6 acres situated at Baramati will be made available for sale to the informant for a consideration of Rs.5,38,538/- and with added expenses thereon, the said plot will be transferred in his name for a total consideration of Rs.7,15,000/-. Believing on the said representation made by the applicant and co-accused, the first informant paid the said total consideration of Rs.7,15,000/- to the accused persons. Out of the said Rs.7,15,000/- as per the directions of the applicant, substantial amounts have been deposited in the bank accounts of the applicant with the Bank of Maharashtra and State Bank of India. With a view to gain the confidence of the first informant, the accused persons also showed him one document having inward number effected by the Mantralaya, Mumbai. As despite lapse of substantial period, the applicant and other accused did not give the said plot of land to the informant, the informant enquired about the same with the accused persons, to which they doged him and gave ivasive replies to him. As the applicant and other accused persons neither gave the plot of land assured by them to the

informant, nor refunded the said amount of Rs.7,15,000/-, the informant realized that the accused persons have committed the act of cheating with him. In the premise, the first information report is lodged.

4. The learned Counsel for the applicant submitted that, as a matter of fact, it is the first informant who had assured the applicant for giving a plot of land in the year 2013 and had accepted substantial amount from him. As the informant failed to deliver possession of the said assured plot, the first informant made repayment of the amount given by the applicant to him and it is this transaction which has been reflected and as mentioned in the first information report by the informant as the amounts accepted by the applicant towards sale of plot of land belonging to Government of Maharashtra. He further submitted that the applicant himself has filed complaints against the informant with the Superintendent of Police, District Solapur dated 16.06.2016 and with the Police Inspector, Mohol Police Station, Dist. Solapur dated 22.06.2016, requesting the concerned authorities to look into the matter and investigate it, however, the police did not take any cognizance of the said complaints and when the first informant realized that complaints are loged against him, the present crime is registered. He submitted that the applicant has been falsely implicated in

the present crime and, therefore, he may be protected by pre-arrest bail.

5. The first information report and the record clearly indicates that, the applicant alongwith other accused persons represented the first informant that they are having excellent relations with the higher Authority in Mantralaya, Mumabi and are able to give a plot of land situated at Baramati to him for a consideration of Rs.5,38,538/-. It is also represented to the first informant that, for performing the said work, some additional cost will have to be borne and including the basic cost of Rs.5,38,538/-, the first informant was induced to pay a total sum of Rs.7,15,000/-. There is no dispute about the fact of deposit of substantial amounts in the aforestated accounts of the applicant by the first informant. The applicant did not thought it fit to refund the said amount even after his inablility to transfer and/or to sale the said plot of land allegedly belonging to the State of Maharashtra in favour of the first informant. The representations made by the applicant and co-accused that they are having excellent relations with the then Minister of Revenue, Government of Maharashtra and accepting amount under the said pretext itself is a serious offence to be thoroughly investigated by the police and the same is not possible without there being custodial interrogation of the applicant.

6. Learned APP on instructions submitted that the applicant is also involved in other five crimes of similar nature and therefore, he may not be shown any leniency and sympathy in the matter.

7. In view of the above discussion and after taking into consideration the serious allegations against the applicant and the gravity of the offence, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

8. Application is accordingly rejected.

(A.S.GADKARI, J.)